

‘Suspect’ Community Stereotyping and Criminal Investigations

“In pursuit of higher transparency”: A study of how police officers in England and Wales are believed to investigate people from the Muslim community



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Abstract

In England and Wales, the ‘war on terror’ has been argued to impact adversely on existing race relations policies. Recent research has suggested that changes in legislation (such as wide discretionary powers of stop and search) and counter-terrorism measures (such as arrest and the extension of pre-charge detention of 28 days under the Terrorism Act [2006], and the use of control orders to detain without trial) may have contributed to the construction and reinforcement of the Muslim community as a ‘suspect’, which, in turn, may result in a police bias towards members of the Muslim community. Research showed that such police bias had contributed to the grave violations of human rights with appalling consequences that involved miscarriages of justice. This thesis focuses on an under-researched aspect of police investigative and interviewing processes, namely, the influence of prejudicial stereotyping on criminal investigations when investigating the suspects from a ‘suspect’ community. This thesis examined the influence of prejudicial stereotyping (within the context of criminal investigations) and originally contributed to the existing knowledge through the course of five studies. The first study focused on the role of prejudicial stereotyping in stop and search practices. This first study examined more than 2,100 stop and search records of the provincial police force in England and Wales, as well as 20 semi-structured interviews which were conducted with serving police officers (from the same force) to examine whether police officers use prejudicial stereotypes to inform suspicions in their day to day policing. This first study ascertained that officers rely on certain types of stereotypes (e.g. people’s age, race, appearance,

location, and social class) to inform their suspicions. In order to examine how such prejudicial stereotyping may affect criminal investigations, the second study in this thesis utilised a novel approach. In this second study, an innovative instrument ‘the Minhas Investigative Interviewing Prejudicial Stereotyping Scale’ (MIIPSS) was developed and used to assess the apparent level of interviewers’ prejudicial stereotyping towards suspects from certain stigmatised groups. This study involved semi-structured interviews with twenty people, who had previously been interviewed as suspects in England and also eight very experienced lawyers. Both their views were measured using the MIIPSS before being subjected to a Guttman analysis. Statistical analyses showed that the MIIPSS satisfies the criteria for classification as a valid unidimensional and cumulative scale. It was found that the MIIPSS could be used as a tool to measure prejudicial stereotyping in investigative interviews towards suspects from stigmatised groups or individuals suspected of different types of crimes. The third study focused on the role of prejudicial stereotyping within the context of a ‘suspect’ community and investigative interviewing practices. As far as it is known, this is the first study that has obtained views from twenty-two real-life Asian Muslim suspects’ and explored their perceptions to examine whether prejudicial stereotypes could influence investigative interviews. Thematic analysis of interviews revealed that around two-thirds of the suspects reported perceiving the demonstration of various stereotyping by police officers during interviews, half of whom indicated that the interviewers demonstrated racial/religious stereotypes via discriminatory behaviour. The fourth study in this thesis broke new ground by examining the perceptions of fifteen very experienced legal representatives who had represented suspects in the police interviews. Thematic analysis of interview transcripts revealed that one-third of the legal representatives reported that they witnessed instances (in what these

legal representatives described as a reckoned comparable case) when a white suspect was released whereas a charge was sought against an Asian Muslim suspect. Additionally, a quarter of these legal representatives mentioned instances of perceived police interviewers' hostile and discriminatory behaviour towards their Muslim clients, also reporting that they felt such hostility was due to their client's Muslim background. The final study in this thesis is novel and groundbreaking to have analysed the influence of prejudicial stereotyping on real-life police interviewers' investigative decision-making within the context of the 'suspect' community. In order to explore whether a 'suspect' community stereotyping could influence police officers' investigative decision-making, the fifth study utilised information gathered via semi-structured interviews, conducted individually with twenty serving police officers from a single police organisation in England. During these interviews the same scenario was put to each police officer in turn, only differing in the name of the suspect (which for one half of the sample referred to an indigenous person from the UK, while the other half was referred to a suspect with obvious Muslim name). As a result of crisp-set qualitative comparative analysis (csQCA), it was found that when the 'Muslim suspect condition' was applied, six times as many officers stated that they would charge him with possession and intent to supply class A drugs than did those in the indigenous suspect condition. These results triangulated with those of the suspects and legal representatives' perceptions that the ethnicity and religious background may have played a role and influenced the outcome of investigations. In conclusion, findings from this thesis are not only consistent with the Hillyard's study (i.e. the 'suspect' community stereotyping may result in a police bias against members of the 'suspects' community) but the findings also suggest that perceived prejudicial stereotypes

(based on a suspect's group membership) indeed may influence the outcome(s) of the criminal investigations.

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Chapter 1 ‘Suspect’ Community Stereotyping: Police Investigative and Interviewing Practices

1.1 Introduction

The period from 1974 to the present, represents two eras of political violence in the UK. The first one emerged with the IRA (Irish Republican Army) bombing campaign between 1973 and 1996 when the perpetrators were perceived as ‘Irish terrorists’. The second one is likely to have appeared since 2001, when in the UK and elsewhere, the main threat of political violence has been portrayed as stemming from people allegedly motivated by extreme interpretations of Islam (and who are often labelled as ‘Islamic terrorists’) (Nickels, Thomas, Hickman, & Silvestri, 2012). This period set apart by occasions which are relevant to Irish and Muslim communities that have affected common society. Such occasions include; (i) bombing campaigns; (ii) the adoption of anti-terrorism legislation; (iii) wrongful arrests and imprisonments; (iv) shooting of

alleged terror suspects; (v) the broad resolution of the Northern Ireland conflict; and (vi) controversies relating to the place of Islam and Muslims in the UK (Hearty, 2018; Hickman, Silvestri, & Thomas, 2010). One impact of these occurrences is possibly that both groups have each been constructed as a threat to common society, which has resulted in these communities becoming subject to negative stereotyping, intelligence profiling, and the violent expression, in turn, of either anti-Irish or anti-Muslim sentiments (Nickels et al., 2012).

Furthermore, recent research has suggested that Irish and Muslim communities are often negatively portrayed in the public discourse, such as in the media (Hickman, Thomas, Nickels, & Silvestri, 2012; Awan & Rahman, 2016), arguably due to members of these communities being associated with extremism, terrorism, and social backwardness (Nickels et al., 2012; Poole, 2018; Poole & Richardson, 2010). Consistent in this research is that one motivation is proposed as to why minority groups are so negatively represented in the public discourse which could be as a result of institutionalised prejudice from both the media and the political establishment (Campbell, 1995; Downing & Husband, 2005; Fraser, 2018; Shohat & Stam, 1994). Nickels et al. (2012) suggest that the procedures whereby the media develop minority groups as ‘suspect’ and as a threat are also influenced by social structures, social relations and regulated practices, including; (i) the schedules of news making; (ii) news values; (iii) the relationship between media; (v) media possession; and (vi) the predominant ideological atmosphere of the time. Hickman, Thomas, Silvestri, and Nickels (2012) examined to what extent, and in what ways, both Irish communities, and Muslim communities are each represented as ‘suspects’ within public discourse. These authors found that parallels existed between those experiences of people from both the Irish community in the 1970s

and those from the Muslim community today with regards to the way they are represented in public discourse and treated by the police.

In the past, the negative portrayals of communities as ‘suspect’ has contributed to the grave violations of human rights with appalling consequences that involved miscarriages of justice. For example, when the police in England and Wales interviewed Irish suspects (such as the ‘Birmingham Six’ and the ‘Guildford Four’), where these suspects confessed under police pressure to serious crimes. However, it was later found that they did not commit the crimes. Police officers were found to be biased against such suspects, suspecting that they were responsible for bombings merely because they belonged to an Irish community (Pantazis & Pemberton, 2009). This indicates that prejudicial stereotyping could result in criminal investigation failures which primarily exist within the police interviewing context (Bull, 2018; Milne & Bull, 1999). Moreover, the influence of such prejudicial stereotyping concerning investigative interviewing of suspects has received negligible attention. As such, no research (as far as it is known) has been conducted in England and Wales to examine the influence of prejudicial stereotyping on the investigation processes (including that of interviewing suspects) concerning the suspects from the suspect community. Therefore, in light of this, this thesis examines whether such prejudicial stereotyping could influence the investigation and interviewing processes concerning the suspects from the ‘suspect’ community and the outcomes of a criminal investigation.

1.2 Construction of ‘Suspect’ Communities in the UK

1.2.1 Construction of the Irish Community as a ‘Suspect’ in the UK

The notion of the suspect community was initially coined by Hillyard (1993) in his work on the ‘secret state’ and the effects of the PTA (Prevention of Terrorism Act, 1974) on the Irish community. He depicted how Northern Irish populations were rendered suspect through the design and operation of the PTA, enacted during the time of the Northern Ireland conflict. He asserted that the most important feature of the operation of the PTA had been the way in which it has constructed a ‘suspect’ community in the UK. That is, a community has been rendered as ‘suspect’ by the institutions and operations of the PTA. He further asserted, (even though, Roy Jenkins, the then Labour Home Secretary, described the powers as draconian), the PTA passed without any dissenting voices in the British Parliament just one week after the IRA Birmingham pub bombing in 1974. Hillyard, citing Lord Donaldson, pointed out that under the PTA the requirement of ‘reasonable suspicion’ to justify stopping an individual was dispensed with. Indeed, Hillyard (1993) cites the earlier ideas of Boyle, O’ Hare, and McAllister thus,

[“An officer...does not have to have any grounds for thinking that they have the information, but merely that the person concerned shall be in a category”]

(Boyle, O’Hare & McAllister, Divisional Court, 30 October 1980 (unreported), cited in Hillyard, 1993, p. 19).

Hillyard, accordingly, explained the concept of ‘suspect’ community as the process of identification of a threat and of a sign of abnormality which exemplified and legitimated the politics of exception put in place by the state. Thus:

“[A person who is drawn into the criminal justice system under the PTA is not a suspect in the normal sense of the word. In other words, they are not believed to be involved in or guilty of some illegal act [...]] people are suspect primarily because they are Irish and once they are in the police station they are often labelled an Irish suspect, presumably as part of some classification system. In practice, they are being held because they belong to a suspect community]”
(Hillyard, 1993, p. 7).

While the apparent motivation behind the ‘huge trawling operations’ of hunting, detaining and excluding Irish suspects was to gather intelligence (Breen-Smyth, 2013), however, Hillyard argued, due to such measures, a dual system of justice had been constructed. That is; (i) the established justice system existed for ordinary decent criminals, who had committed conventional crimes (such as burglary, murder, and rape), while, (ii) a shadowy and more draconian system emerged that dealt with those suspected of Irish ‘terrorism’. This later system granted the police, immigration and customs officers’ wide and discretionary powers in investigations concerning terrorism-related offences (Hillyard, 1993). More importantly, the PTA made possible the potential to bring into custody and investigate anyone because the principal arrest required no reasonable suspicion of an offence (Pantazis & Pemberton, 2009). The discretionary nature of these powers helps to explain why 86% of 7,052 people, detained in the UK between November 1974 and December 1991 under the successive PTAs, were subsequently released with no further action taken against them (Hillyard, 1993). Hillyard asserted such measures “facilitated miscarriages of justice against Irish suspects, most notoriously the cases of the Birmingham Six and the Guildford Four” (1993, p.31). He further asserted that

alongside these wrongful convictions, many would have suffered wrongful arrests or detentions, or police harassment that likely would have gone unrecorded.

Hillyard primarily focused on those individuals only who were detained or arrested but did not focus on the effects of the PTA on individuals going about their regular day to day activities. His particular focus upon only those individuals who were stopped, detained or arrested may have resulted in unnecessarily narrow and potentially biased conclusions. Further, as his study contained only a small sample, it may also be argued that his findings may be unrepresentative of the wider population. Moreover, critics (e.g. Greer 2010; Hargreaves, 2016) contend that in Hillyard's study the sample was not randomly selected, but rather was self-selected and self-selected samples (which, they argue, tend to over-represent those with an overly negative experience of the overall phenomenon under investigation) might well provide a cathartic opportunity for participants to complain.

The focussing upon a certain set of individuals, following a threat to security emanating from someone associated with the Irish community, led to the targeting of the Irish or perceived 'Irishness' (Breen-Smyth, 2014). For example, Harry Stanley, of Scottish origin, was shot dead by the police outside a public-house in South Hackney, when returning home carrying a chair leg. The police officer who shot him thought that he was dealing with armed Irishman (Independent Police Commission, 2006). While the targeting of Irish people was seen by the police as justified (Breen-Smith, 2014), Hillyard (1993) points to several impacts prompted by such targeting of Irish people, including; (i) the widespread encroachment of Irish individuals' civil liberties; (ii) increasingly intrusive and intensified policing methods; (iii) viewing of the whole Irish community in

Britain as ‘suspect’; and (iv) the encouragement of the public to do the same, which could have resulted in the increased anti-Irish racism that existed at the time.

The concept of a ‘suspect’ community is not only constrained to depicting the methods of policing enforced upon a specific community. Additionally, such a concept also encompasses as to how formal suspicion by the authorities might be transferred to public suspicion (Abbas, 2018; Breen-Smyth, 2014). Hillyard (1993) asserted that the general public played an essential role in the development of suspicion in the case of the Irish community. This resulted in “some [non-Irish] members of the public... report[ing] an Irish person’s presence to the police”. This suspicion was fortified by the press, which promoted “the view that all Irish people are suspect” (both citations; Hillyard, 1993, p. 262).

Hillyard’s (1993) notion of the construction of the Irish community as ‘suspect’ has not gone unchallenged. Greer (1994) asserted that Hillyard regarded the Irish people as a monolithic group, including those individuals who are intensely anti-Irish nationalist. Nevertheless, Pantazis and Pemberton (2009) suggest that Hillyard’s conceptualisation could be considered legitimate on the basis of the following two arguments. First, the mere passing of legislation, giving state officials powers to single out anybody going between the Northern Ireland and the United Kingdom and to question them in connection with terrorist activities, this implied that anybody could become under suspicion, regardless of their religious or political identity. This phenomenon could be seen most prominently in the police routine of writing ‘Irish suspect’ on the form used to record individuals' fingerprints (Hillyard, 1993).

Consequently, these powers may have been used more rigorously against the Catholic/Republican community than against Protestants/Unionists. However, the latter

group were also stopped and detained, particularly at ports and airports, because they were seen as 'Irish'. Pantazis and Pemberton (2009) argue that such evidence supports Hillyard's general argument about the wholesale discriminatory nature of the PTA, affecting the whole Irish community. Second, and relatedly, Hickman (1998) suggests that Hillyard's notion of a suspect community was embedded in a substantially more extensive anti-Irish discourse that meant that, even though much anti-Irish British prejudice was synonymous with anti-Catholic bigotry, nonetheless, Protestants were singled out for disparagement, embarrassment, and degradation simply due to their being Irish.

Pantazis and Pemberton (2009) argue that Hillyard's observations about the PTA are significant for various reasons, not least for alerting civil society to its destructive effects on people and communities, but also for attracting attention concerning how democratic values and practices become sacrificed in the pursuit of increased security. When Irish people were previously seen as a 'suspect' community either in the UK or wider Europe, Breen-Smyth (2014) argues it was sufficient to have a Northern Irish accent, to be identified as a suspicious person. Breen-Smyth further asserts that such blanket attribution meant that Northern Irish Unionists and Loyalists were also considered as suspect, even though they may have been loyal to the British Crown.

Further critique of Hillyard's notion of a 'suspect' community, was made by Greer (1994; 2008), and was concerning the legal meaning of 'criminal suspicion'. Greer (2008) argues that the procedure of information trawling, as elucidated by Hillyard (1993), does not compare to treating individuals as criminal suspects, particularly as the majority of those detained were discharged without criminal proceedings ever taking place. Greer, further argues that state suspicion is not *per se* an infringement of human rights. However,

he considers it is an infringement of such rights if suspicion is 'groundless' and "leads to adverse consequences for those concerned" (Greer, 2008, p.170). Greer might well be correct in his argument if a strict lawful meaning of 'criminal suspicion' is applied.

Nevertheless, Pantazis and Pemberton (2009) argue that legal understandings may have little significance with people's everyday experiences of the law and their interactions with state officials, and additionally their interpretations of these occasions. These authors further assert that Greer has in a general sense misunderstood the nature of Hillyard's work. According to these authors, a 'suspect' community forms an empirical study in light of the subjective encounters of people whose lives were affected upon and disturbed by the PTA. In that context, it is more appropriate for such a study to be viewed as a sociological (one of the individuals' encounters of the law), rather than an enquiry into the application (and/or misapplication) of legal rules (Pantazis & Pemberton, 2009).

1.2.2 'Home-Grown Terrorism' Narrative and the Construction of new 'Suspect' Community

Following Al Qaeda's 2001 attacks on the US, issues of national security and transnational crime have risen up the political agenda (Mythen & Walklate, 2006). In the UK a string of high-profile terrorism attacks, including the London Underground and the car bomb at Glasgow Airport, have fixed terrorism as a critical social problem. In the UK terrorism has assumed centre stage in political exchanges about risk and human security, driven by the belief that a new form of global terrorism has emerged (Gregory & Wilkinson, 2005). This 'new terrorism', characterised by the actions of extreme Islamic fundamentalists, has been distinguished from previous forms of political violence practised by terrorist organisations, such as the IRA (Morgan, 2004).

The terrorism narrative in the UK was catapulted to the fore in public debate by the attacks in London in July 2005. The origin of the 'home-grown threat' was much discussed in broader political debates. The home-grown threat narrative of terrorism was particularly chilling, pointing to British citizens acting as a 'fifth column' in 'our' midst (Croft & Moore, 2010). Following the July 2005 attacks, the suicide bomber Mohammed Siddique Khan, spoke in a broad Yorkshire accent in his 'martyr's testimony'. A government adviser advanced the view that one in five British Muslims 'may' support militant jihadi violence (Croft & Moore, 2010). These elements appear to have amalgamated into a view that, (as the then British Prime Minister, Tony Blair put it), these home-grown radicals

“may have been born here. But . . . [the] ideology wasn't. And that is why it has to be taken on, everywhere” (Blair, 2010).

For Blair, the ideology and indeed the operation were products of Al Qaeda Central. But for others, the home-grown threat could not be separated from the network threat (Croft & Moore, 2010). As Roy (2008, p.20) noted,

“we have seen that young westerners went to countries to fight the jihad and came back to Europe to commit terrorist acts”.

This led to the enactment of controversial counterterrorism legislation to combat 'home-grown threat' such as CONTEST (for further details see section 1.2.4). Since the introduction of counterterrorism legislation from 2001 to 2010, statistics reveal that in the UK over 237 people arrested for a terrorist offence (Fenwick, 2013). Intervention programs that aim to counter the extremist threat (e.g., the Prevent Strategy) have resulted in 228 people being referred to the security agencies because they are considered to be a risk to national security (Fenwick, 2013). Awan (2012) asserts that the Prevent Strategy

will not actually prevent extremism or people becoming terrorists, but likely will risk labelling the Muslim community as a ‘suspect’ one. A review from the Equality and Human Rights Commission (EHRC, 2010) demonstrates that counter-terrorism practices have negatively affected Muslims by adding to their sentiment of being a ‘suspect’ community and deepening their sense of estrangement, segregation, anxiety, and vulnerability. Intervention projects (i.e. the Prevent strategy) are based on an impression of suspicion, providing them with perspectives of both the police and British criminal justice system as ones of resentment to such authority (Choudhury & Fenwick, 2011; Spalek, 2010).

In the context of countering ‘home-grown threat’, Clements (2008) argues that there has been a marked increase in hostility towards Islam and Muslims known as ‘Islamophobia’ (Awan, 2018). Poynting and Mason (2006) noted that the targeting of specific groups by counter-terrorism measures offer wide society ‘permission to hate’ these groups and, consequently may provide a moral license to an anti-Muslim hate crime. Awan and Rahman (2016) argue that evidence suggests that Muslims had become a target for a rise in anti-Muslim hate crimes in contemporary UK society. These authors argue that news coverage had generalised about Muslims which was made in an overtly biased way. They further assert that the negative portrayal of Muslims in public discourse would risk a society stoking up further anti-Muslim prejudice.

Such negative portrayal may have an an adverse impact on criminal investigations. For example, in June 2006, during a counter-terrorist operation, the Metropolitan Police raided a house in Forest Gate, London arresting two Muslim brothers, with one being shot and wounded. Despite intelligence that the police apparently held, which suggested the house was being used to manufacture a chemical terrorist weapon,

after a week of search, nothing was found. Both brothers were subsequently released without charge (Brian, 2010). Further, Rizwaan Sabir, a postgraduate student in counter-terrorism studies, was arrested under the Terrorism Act for downloading extremist material but was later released without charge. In Rizwaan's case, documents from the Professional Standards Unit of the West Midlands police revealed that officers had 'fabricated' key elements of the case against him (Awan, 2012; Miller, Mills, & Harkins, 2011). At the point when such an injustice happens, it undoubtedly brings about a number of social harms to the victim of the original crime, the Criminal Justice system and also to the Muslim community as a whole (Hillyard et al., 2004). This thesis will, therefore, examine whether prejudicial stereotyping arising from counter-terrorism policies (including the Prevent strategy) might influence the outcome of a criminal investigation. It is in relation to this issue that the thesis will now begin discussing".

1.2.3 From the 'Old' to New 'Suspect' Community

In 2008, Gareth Peirce (best known for her work and advocacy in high-profile cases involving allegations of human rights injustices) drew parallels between the Irish community and the Muslim community in the UK. She was acting as a lawyer for those wrongfully convicted in the Birmingham and Guildford bombings, for the family of Jean Charles de Menezes (the Brazilian man killed by officers of the Metropolitan police, as he was wrongly deemed to be one of the fugitives involved in the London bombings of 7 July 2005), and Moazzam Begg (who was held in extrajudicial detention at the Guantanamo Bay for nearly three years). She indicated lawfully executed injustices that contribute to the alienation of numerous Muslims from the authorities and the state. Even though the Irish had similar experiences, however, unlike the Irish, she called attention to

the fact that Muslims lack advocates such as the Irish state and the Irish American diaspora (Breen-Smyth, 2014).

Subsequently, the term ‘suspect’ community has also been associated with Muslims in the United Kingdom, while parallels have been drawn between the experiences of the Irish and Muslim communities (Hickman et al., 2013; Legrand, & Lister, 2018). Hickman and associates had earlier published a number of studies, firstly, of the Irish community (Hickman & Walter, 1997), and more recently, of both Irish and Muslim communities in the UK (Hickman et al., 2012). Hickman et al. (2012) found parallels between those experiences of people from the Irish community in the 1970s to the 1990s and those from the Muslim community today with regard to the way they are treated by the police and the media. Pantazis and Pemberton (2009) argue that the Muslim community has replaced the Irish community as ‘suspect’ in the contemporary UK in the wake of the ‘war on terror’. These authors advance the relevance of Hillyard’s notion of the ‘suspect’ community to the Muslim community and their experiences in the contexts of ‘war on terror’. They defined the suspect community as:

“[... a sub-group of the population that is singled out for state attention as being ‘problematic’. Specifically, regarding policing, individuals may be targeted, not necessarily as a result of suspected wrongdoing, but simply because of their presumed membership to that sub-group. Race, ethnicity, religion, class, gender, language, accent, dress, political ideology or any combination of these factors may serve to delineate the sub-group]” (Pantazis & Pemberton, 2009, p.649).

Furthermore, these authors acknowledge the dual system of justice, originally identified by Hillyard (1993), through the integration of many of the PTA powers into the Terrorism Act (TA) 2000 and 2006. This could be evidenced in the wider discretionary

powers of stop and search and arrest under the TA 2006, the extension of pre-charge detention of 28 days, and the use of control orders to detain without trial. Pantazis and Pemberton assert that the *modus operandi* of the police was questioned intensively in the press in the aftermath of the release of the ‘Guildford Four’ and the ‘Birmingham Six’, just as it was after the De Menezes shooting, and after the botched terror raids in Forest Gate and Birmingham.

Moore, Mason, and Lewis (2008) examined more than 974 newspaper articles from 2001 to 2008. They found that 36 percent of stories about British Muslims between those periods were exclusively about terrorism. These authors found that the print media stories were frequently based around societal and political experiences of Muslims in the UK. Similarly, several studies, conducted to analyse stories regarding Islam and Muslims that had been published in British newspapers (e.g. Allen, 2012; Awan & Rahman, 2016; Baker, Gabrielatos, & McEnery, 2013; Poole, 2006), consistently found that overall stories post ‘war on terror’ concerning Islam and Muslims were exclusively about terrorism, and (further) stereotyping this community in a negative context. Awan and Rahman (2016) contend that such reporting and portrayal of British Muslims may have assisted in the creation of a framework for the ‘othering’ of communities, and specifically may also impact people’s perceptions of Muslims (because of the dominant type of headlines and stories they read).

Furthermore, Hickman et al. (2011) analysed 800 policy documents, 2798 news items, 42 key informant interviews with community and religious leaders, and seven mixed Irish and Muslim discussion group events. They found parallels between both the Irish and Muslim communities in Britain with regards to their treatment by the police. They argue, in both eras of political violence, that there is a frequent comparison, either

in the media, in political debate or policy documents, of ‘the innocent Irish’ and ‘moderate Muslims’ with (in turn) ‘Irish terrorist’ and ‘Muslim extremists’. This could lead to the ‘law-abiding’ continuously being characterised in relation to ‘extremists’ and the blurring of boundaries between the moderate and the (violent) extremist groups. These authors further assert that this permeability and uncertainty has apparently allowed a social and political atmosphere that has contributed to grave infringements of human rights with tragic consequences (that arguably continues regarding the Muslim community). That is, the circumstances witnessed in the Irish context in the past (e.g. the miscarriages of justice pertaining to the ‘Birmingham Six’ and the ‘Guildford Four’) persists today in the Muslim context (e.g. ‘Forest Gate’ and ‘Nottingham Two’). Roach and Trotter (2005) argue, in the UK, new legislation concerning terrorism offences has increased the risk of wrongful convictions by lowering the burdens of proof than are normally required under the criminal law (e.g. Section 16(2) (b) of TA, 2006).

Furthermore, the powers, which are supposed to promote security, are serving to undermine such powers (e.g. the TA 2000; 2006), while the Muslim communities continue to endure the spectre of state suspicion (Nickels et al., 2012). Whether intentional or otherwise, measures such as profiling, stop and search, and enhanced surveillance all have the potential to stigmatise an entire community, such as Irish people during the conflict in the Northern Ireland, and now the Muslim community in the UK (Awan, 2012). Pantazis and Pemberton (2009) argue that despite the discursive construct of Muslim majority as law-abiding and peaceful, this position has at times been contradicted. They quote a statement by John Denham MP (Home Office Minister at that time), after the July 2005 attacks, in which he claimed that:

["few terrorist movements have lasted for long without a supportive community. A supportive community does not necessarily condone violence, but they see terrorists are sharing their worldview, part of the struggle to which they belong"]
(Denham, 2005, cited in Pantazis & Pemberton, 2009, p. 658).

A reasonable assumption of Denham's construction of 'supportive community' might be one which incriminates the whole of the Muslim community and, thus, possibly underpins the construction of those from the Muslim community as being all viewed as 'suspects'.

In contrast, Greer (2010) opposes Pantazis and Pemberton's (2009) claim concerning the Muslim communities having become 'suspects'. He argues that Pantazis and Pemberton presented a 'distasteful' picture of a powerful state repressing a religious minority through a battery of anti-terrorist laws, underpinned by a hostile, and prejudice official political discourse. He further adds that such a position is crude, misleading, and one dimensional, relying more on speculation than on a solid empirical foundation. However, Greer (2010) did not discuss in detail the impact of the Terrorism Act(s) on Irish and Muslim communities, favouring instead, a discussion of other effects (e.g. 'official suspicion') of terrorism and that legislation.

Nevertheless, the term 'suspect' community has also recently been used to capture the outcome of social, political, and ideological discourses that merge to characterise Muslims as extremists and the 'enemy within' (Breen-Smyth, 2014; Sentas, 2014). Warsi (2017) argues, in the UK, Muslims are the latest in a long line of 'others' to be given the label 'the enemy within'. Awan (2018) notes that Muslim communities feel unfairly categorised as extremists and that such categorisation has impacted upon their sense of identity and belonging. Breen-Smyth (2014) asserts that a 'suspect' community is not

simple that which is targeted (e.g. through counter-terrorism legislation) but is also one that is 'imagined' in the minds of fearful people (i.e. socially built by individuals from non-suspect groups) through the broader discourse encompassing the 'war on terror'. According to Breen-Smyth (2014, p.231), "a suspect community can be understood as constructed through 'mechanisms deployed by the state to guarantee national or state security and reinforced by societal reactions and social practices". Further, Breen-Smyth (2014) argues this notion of 'suspect' community, not only strengthens Muslims as 'suspect' in the minds of general society, but it further impacts how Muslims see themselves as a 'suspect'. While Breen-Smyth (2014) re-defines suspect community, offering some interesting observations, however, she does not provide sufficient evidence to support her claims, being difficult to establish what people actually think.

Critics of 'suspect' community (e.g. Greer, 2010; 2014; Hargreaves, 2016) question whether there is evidence to bolster claims made that Muslims, in general, are labelled as 'suspect' or that they encounter intrusive forms of counter-terrorism policing. Greer (2014, p.469) contends that none of the supporters of suspect community thesis provided any credible evidence (including Breen-Smyth and Hillyard) that "the UK's anti-terrorism laws have turned the Irish or Muslims in Britain into communities under official suspicion". He argues that "since parts of the 'suspect Muslim community' are officially trusted, the entire 'community' cannot plausibly be regarded as 'officially' suspect" (Greer, 2010, p.1179). He also asserts that to regard a whole community as 'suspect', the population concerned must be under 'official suspicion' (Greer, 2008; 2010). However, Greer failed to clearly distinguish the difference between being under 'official suspicion' and being otherwise suspect. According to Greer, if a police officer suspects someone, then that person is under 'official suspicion', but if the general public

suspects that person, then s/he is not. Breen-Smyth (2014) reports that, in 2009, 60,000 civilians were recruited throughout the UK to participate in counter-terrorism activities, undertaking a role in the Prevent programme (that is, the government's 'early warning' framework) (House of Commons, 2009). She argues, to be suspected by one of these quasi-security players, could it place those under 'official suspicion'? At the point when the lines between the security forces and citizens are progressively blurred, it is the demarcation between being under 'official suspicion' and being suspected by the general public that is obscured (Breen-Smyth, 2014). In response to Breen-Smyth's argument, Greer (2014, p.468) asserts that the official recruitment of those in the Prevent programme, "counts more against the 'suspect' community thesis itself than it does against the distinction between official and unofficial suspect". He further asserts, there is plenty of evidence of anti-Irish racism and Islamophobia in the UK. But there is no evidence which could prove that this stems from the 'official state suspicion', or that it has resulted from the various counter-terrorism legislation.

However, research (e.g. Breen-Smyth, 2014; Blackwood, Hopkins, & Reicher, 2013; Kundnani, 2014; Mythen, Walklate, & Khan, 2013; Patton, 2014; Sentas, 2014) consistently has suggested that the legislation, institutional, ideological, and discursive manifestation of the 'war on terror' impacts the types of perceptions Muslims have of; (i) themselves; (ii) their confidence; (iii) their community; and (iv) the police. These perceptions shape both their reactions to being characterised as a 'suspect' group and their corresponding appraisals and mediate upon their support of efforts to combat terrorism and radicalisation (Breen-Smyth, 2014; Blackwood et al., 2013). Recent research (e.g. Awan, 2018; Awan, 2012; Breen-Smyth, 2014; Cherney & Murphy, 2016; Hickman, et al., 2012; Hickman et al., 2010; Mythen et al., 2013; Patton, 2014; Pantazis & Pemberton,

2009; Poole, 2018) has tended to suggest that there exists a police bias against Muslims which is a direct consequence of state suspicion and various counter-terrorism legislation, and thus, the Muslim community is a new ‘suspect’ community in the contemporary UK.

1.2.4 New Legislation and their Effects on new ‘Suspect’ Community

The government’s strategy to tackle extremism and terrorism was first published in 2003. Named the ‘CONTEST’ strategy, its development started in the aftermath of 9/11, 2001. Most of the original strategy’s focus concentrated on the policing strategies associated with terrorism; to pursue and prosecute those responsible. In the aftermath of the 7th July 2005 London bombing attacks, the government’s approach to the prevention of extremism and terrorism shifted. The new CONTEST strategy was published in 2009. This multi-dimensional strategy is divided into four strands: ‘Prevent’, ‘Pursue’, ‘Protect’ and ‘Prepare’ (HM Government, 2009). ‘Protection’ and ‘Preparation’ strands recognised the importance of protecting the public by devising strategies to make it hard for terrorists to breach security. The ‘pursuit’ objective remained as it was, the goal is to detect and apprehend persons who are suspected to be involved in terrorism. On the other hand, the ‘Prevent’ strand has proven to be the most controversial aspect of the CONTEST strategy. The main focus of the ‘Prevent’ strand is not at preventing real terrorist plots; rather it is focused to prevent ‘radicalisation’ of individuals themselves, to stop them from becoming terrorists.

In the context of Muslims as a ‘suspect’ community, Awan (2012) supports Pantazis and Pemberton’s (2009) findings by demonstrating that the new Prevent Strategy (2011) continues to reinforce the label of the “new” “suspect” community being the Muslim community. Awan argues that within the main objectives of the Prevent Strategy

(2011) (HM Government 2011), the aim to challenge extremist ideology that supports terrorism and those who promote violence has been blurred by counterterrorism policies. He asserts that this could clearly be viewed as an exercise in gathering intelligence. He further asserts that the Prevent Strategy (2011) will not actually prevent extremism or people becoming terrorists, but likely will risk labelling the Muslim community as a 'suspect' one. Bartlett and Birdwell (2010) argue that the Prevent Strategy (2011) appears to have gone far beyond its proposed scope and has eventually alienated Muslims, targeting the wrong individuals, and jeopardising some initiatives, which could have advanced community cohesion and promoted further intercommunity tensions. Awan (2012) notes that actions such as the installation of covert and overt CCTV cameras in predominantly Muslim areas in Birmingham, United Kingdom, (paid for by the Terrorism Allied Fund) created a sense of unease, anger, and loss of trust amongst the Muslim community. A review from the Equality and Human Rights Commission (EHRC, 2010) demonstrates that counter-terrorism practices have negatively affected Muslims by adding to their sentiment of being a 'suspect' community and deepening their sense of estrangement, segregation, anxiety, and vulnerability. It could be argued that such community-based efforts that are focused on more intelligence gathering rather than on efforts to ensure Muslim communities have input into counter-terrorism efforts may contribute to the construction and reinforcement of Muslim community as a 'suspect'.

The Prevent Strategy (2011) has been further critiqued from a number of angles. For example, both Choudhury and Fenwick (2011) and Spalek (2010) argue that British Muslims' reactions to the Prevent Strategy (2011) and intervention projects are based on an impression of suspicion, and one that provides them with perspectives of both the police and British criminal justice system as ones of resentment to such authority. For

instance, Thornton (2010, p.49) notes, “the lack of transparency about the purpose of the project champion has resulted in significant community anger and loss of trust.” Following the introduction of the Prevent Strategy (2009), various British mosques had been vandalised with graffiti and set alight in view of the conflict concerning counterterrorism approaches and the expanding media relationship of words such as ‘terrorism’ and ‘Jihad’ with Islam and Muslims (Githens-Mazer & Lambert, 2010). Awan (2012) argues that the words ‘Jihad’ and ‘terrorism’ have regularly been utilised as a part of a similar story to depict Muslims as a ‘problem group’. The relationship of both terms—specifically through media reporting—is arguably risky, causing Islamophobic responses against the Muslim community (Allen, 2010; Awan, 2012; Awan & Rahman, 2016; Clements, 2008).

Additionally, in the aftermath of September 11, 2001, the numbers of Asian people stopped and searched under anti-terrorism laws in Britain rose by approximately 400 percent, from 744 in 2001-02 to 2089 in 2002-03 (Mythen, Walklate, & Khan, 2009). The Equality and Human Rights Commission (EHRC, 2010) report identifies that stop and search powers under Section 44 of the Terrorism Act 2000 harmed community relations, undermined trust in the police and affected Muslim confidence in the UK. The EHRC report (2010) also recognises that it is hard to precisely evaluate the number of Muslims who are stopped and their probability of being stopped compared with individuals from different religious groups since religion (not at all like ethnicity) is not recorded during stop and search encounters. However, the EHRC report maintains that it is undeniable that stop and search exercises extremely undermined Muslim communities’ trust in the police.

Moreover, a review conducted by Human Rights Watch (HRW, 2010) indicated that around 450,000 stop and searches were conducted under Section 44 of the Terrorism Act (2000), throughout the UK between April 2007 and April 2009. However, “no one was successfully prosecuted for a terrorism offence as a result, and according to Britain’s independent reviewer of terrorism legislation, little if any useful intelligence about terrorist plots was obtained. The government has failed to demonstrate that section 44 serves its stated purpose” (HRW, 2010, p.1). Further, according to this report stop and search powers had allegedly been used in a discriminatory manner (e.g. blacks and Asians were stopped more frequently than white people) and inconsistently, such as in London, where such minorities were disproportionately represented in the stop and search data, yet less so in other locations (e.g. Birmingham, Manchester, and Glasgow) where terrorist blasts or plots had been conducted or foiled).

The ECHR (2010) and HRW (2010) findings are similar to those of Cherney and Murphy (2016), who conducted focus group interviews to investigate the 'experiential consequences' of Muslims being stigmatised and labelled as a ‘suspect’ in contemporary Australia. They identified that if the Muslim community’s negative experiences and concerns are overlooked, then the primary focus by Muslims may well turn into resisting (prompting attention to perceived intimidation and grievances), instead of enabling this community to work together with the authorities to address terrorism and radicalisation. Further, Cherney and Murphy suggest that the harmful results of the ‘war on terror’ on specific communities should be recognised, “with the ‘suspect’ community thesis helping to draw attention to these detrimental outcomes” (Cherney & Murphy, 2016, p.14). Nevertheless, it should be noted that Cherney and Murphy’s findings may not really be illustrative of the entire Muslim community in Australia or, indeed, in other Western

Jurisdictions. Since, Muslims are not a homogenous group, with Muslims characterised by various ethnicities and categories (e.g. Shia, Salafi, and Sunni). Also, since in their study data was collected in focus groups, such participants' 'joint' perspectives may be affected by the possible problem of respondents' bias and by social desirability (Anderson & Silver, 1986).

1.2.5 The 'War on Terror' and 'the Enemy Within'

Since the 'war on terror' began in 2001, the position of the Muslim community in the United Kingdom has fundamentally changed, and the assumptions (e.g. 'the enemy within') surrounding Muslims in Europe has become more generalised (Lynch, 2013). Clements (2008) argues that in the aftermath of terrorist activity in both the US and Europe, there has been a marked increase in hostility towards Islam and Muslims known as 'Islamophobia'. The consequences of 'Islamophobia' have been identified by various researchers (Awan, 2012; Clements, 2008; Hickman et al., 2012; Nickels et al., 2012; Pantazis & Pemberton, 2009) in terms of exclusion, violence, discrimination, and prejudice towards the members of the Muslim community. Recent terrorist attacks in Western Europe (e.g., the Brussels suicide bombings, the Bastille Day attack in Nice, the Breitscheidplatz attack in Berlin, and the Palace of Westminster attack in London), are possibly adding fuel to the fire.

In the aftermath of the July 2005 London terrorist attacks, there were 269 religiously motivated crimes reported towards the Muslim community, compared to 40 in the same period in 2004 (BBC, 4 August 2005). Various observers (e.g. Bonn, 2010; Morgan, 2016; Poynting & Mason, 2006; Sabir, 2017) have each argued that, following the 'war on terror' in the global 'West', the radicalised 'Muslim Other' has become the

pre-eminent ‘folk-devil’ of our time. Despite the fact that the Muslim community is being exposed to enhanced surveillance in the wake of the ‘war on terror’ (Awan, 2012), it could be argued that such a stereotypical approach towards a whole community may not be the best approach for the state, especially with historical experiences as those witnessed in the Irish context in the past. Clements (2008, p. 215) argued that “when the state response to terrorism becomes ever more draconian that inevitably has a damaging effect on the very society that it is intended to protect”. While counter-terrorism policies, in general, shape an environment of low trust that causes fear and suspicion inside the Muslim communities, the dispositions of the Prevent strategy is that it might problematise Islamic religious identities (Spalek, 2011), that (in turn) may create feelings of racial and religious segregation and of their ethnic profiling, which is experienced by some Muslims in their daily lives (Awan, 2012; Bonino, 2013). Such evidence indicates how, in practice, Muslims in the UK are patently viewed as ‘suspect’ (Awan, 2012; Breen-Smyth, 2014; Hickman et al. 2012; Mythen et al., 2013; Hickman et al., 2010; Pantazis & Pemberton, 2009).

1.3 Influence of the Negative Portrayal of a Community as ‘Suspect’

Poynting and Mason (2006) noted that the targeting of specific groups by counter-terrorism measures offer wide society ‘permission to hate’ these groups and, consequently may provide a moral license to an anti-Muslim hate crime. Awan and Rahman (2016) argue that evidence suggests that Muslims had become a target for a rise in anti-Muslim hate crimes in the contemporary UK. Following the aftermath of Lee Rigby’s murder in Woolwich, London in 2013, Awan and Rahman (2016) reviewed 1,022 articles from the UK newspapers for three weeks after his murder. They found that news coverage had

generalised about Muslims which was made in an overtly prejudicial way. These authors assert that the negative portrayal of Muslims in public discourse would risk a society stocking up further anti-Muslim prejudice.

In the event that members of any minority group are consistently exhibited in negative social contexts (e.g. terrorism, dependency, crime etc.), classical and evaluative conditioning processes may well produce prejudiced mental affiliations with members of that minority group (Walther, Nagengast, & Trasselli, 2005). Once a community is constructed as ‘suspect’ in public discourse, it may affect the criminal investigative process towards the members of such community since the police officers mirror the general public from which they are drawn (Smith & Alpert, 2007). In the past, such prejudiced mental affiliations might have contributed to the grave violations of human rights with tragic consequences that involved miscarriages of justice. For example, when the police officers interviewed Irish suspects (e.g. the ‘Birmingham Six’ and the ‘Guildford Four’), where these suspects confessed under police pressure to serious crimes later found to be crimes that they did not commit. Police officers were found to be biased against these Irish men, suspecting that they were responsible for bombings merely because they belonged to an Irish community (Pantazis & Pemberton, 2009). Roach and Trotter (2005) argue that in the ‘Guild Four’ case the jury was influenced by fear and negative stereotypes. These authors further argue that such cases “illustrates how the cell nature of modern terrorism, when combined with unreliable investigations and forensic evidence, can lead to multiple and related miscarriages of justice” (Roach & Trotter, 2005, p.12).

Furthermore, in June 2006, during a counter-terrorist operation, the Metropolitan Police raided a house in Forest Gate, London, arresting two Muslim brothers. In the arrest,

one of them was shot and wounded. Despite the intelligence which suggested the house was being used to manufacture a chemical terrorist weapon, after a week of search, nothing was found. Both brothers were subsequently released without charge (Brian, 2010). Additionally, Rizwaan Sabir, a postgraduate student in counter-terrorism studies, was arrested under the Terrorism Act for downloading extremist material but was later released without charge. In Rizwaan's case, documents from the Professional Standards Unit of the West Midlands police revealed that officers had 'fabricated' key elements of the case against him (Awan, 2012; Miller, Mills, & Harkins, 2011).

Roach and Trotter (2005), in the context of Irish terrorism, had earlier asserted that the horrors of terrorism make the police vulnerable to the possibility that 'harsh' means in investigating terrorism-related offences are legitimised by the ostensibly 'noble' end of punishing the perpetrators and preventing the killing of innocent civilians. These authors indicated that the police misconduct resulted in both false confessions and false statements that incriminated associates of the 'Guildford Four' detainees. They added that with regard to investigations concerning serious crimes (e.g. terrorism cases), the application of extreme questioning techniques makes it more likely that such suspects may well make false admissions and false incriminating statements about their associates. For example, as an investigation of the 'Guildford Four' produced information that prompted charges against the 'Maguire Seven' (Roach & Trotter, 2005). Additionally, when the police feel certain that they have arrested the right person (maybe on the premise of what is viewed as reliable intelligence but have little or no admissible evidence to prove their guilt), then there may be a strong temptation to induce those persons to admit to their guilt (Gudjonsson, 2018).

The foregoing literature has suggested that negative stereotypes have contributed to grave violations of human rights with appalling consequences to take place, such as those witnessed in the Irish context in the past and which may well be continued to be witnessed in the Muslim context in the current period. At the point when such an injustice happens, it undoubtedly brings about a number of social harms (Hillyard et al., 2004). Such social harms include, however, are not limited to damage to; (i) the victim of the original crime (and their family); (ii) the Criminal Justice System (and public confidence in it); and (iii) wider society (Naughton, 2007). The influence of such prejudicial stereotyping concerning investigative interviewing of suspects has received negligible attention. Milne and Bull (1999) asserted that at the core of the police investigation lies the investigative interviewing of suspects. However, no research as far as it is known has been conducted in England and Wales to examine the influence of such prejudicial stereotyping displayed by the police officers when they conduct investigative interviews with suspects from certain (stigmatised) communities. This thesis will, therefore, examine whether such prejudicial stereotyping influences police officers' attitudes towards Muslim suspects when they undertook the task of interviewing such suspects. It is in relation to this issue that the thesis will now begin discussing.

1.4 Police Interviewing of Suspects in England and Wales

1.4.1 Concerns Regarding Miscarriages of Justice and the Developments in the Police Investigative and Interviewing Processes

It is generally accepted that information is the lifeblood of criminal investigations and it is the responsibility of investigators to obtain useful and reliable information (Milne & Bull, 2016). In many countries (such as England and Wales) one of the most common

methods used to elicit information is by interviewing suspects, witnesses or victims. During interviews, individuals are provided with an opportunity to explain the nature of their involvement in an event. Such interviews are particularly important when other forms of evidence against a suspect are weak or non-existent (Hill, Memon, & McGeorge, 2008).

Furthermore, during the 1970s there were a number of high profile convictions in English Courts which were later found to have involved considerable police malpractice (Baldwin, 1993). The mid-1980s saw the start of substantial research by academics into police interviews of suspects. In the first published study of police interviews with suspects, Irving (1980) observed sixty interviews and found a variety of persuasive and manipulative tactics in use, including; (i) manipulating the suspect's self-esteem; (ii) pretending that police were in possession of more evidence than they were; and (iii) advising suspects that it was in their best interest to confess. This procedure led to confessions thought likely to be true ones, but also to false confessions, particularly by vulnerable and suggestible suspects (Williamson, 1993). At that time, there was little guidance for police officers regarding the most effective ways of conducting interviews, with training typically provided 'on the job' by more experienced colleagues (Milne & Bull, 1999; 2016). However, interviewing practices with suspects in England and Wales are nowadays less confrontational and more transparent due to legislation (i.e. PACE Act), including the mandatory recording of all interviews with suspects (Williamson, 2006).

1.4.2 Introduction of PACE Act 1984

Fuelled by those interviewing practices and miscarriages of justice (as has already been mentioned above), the Royal Commission on Criminal Procedure (1981) was set up to examine practices, which in turn led to the passing (in 1984) of the Police and Criminal Evidence Act (PACE), which regulated procedures in England and Wales concerning the interviewing of suspects (Maguire, 2003). PACE legislation clearly safeguarded suspects' rights (such as the right to legal representation before such questioning) when being questioned concerning their involvement in a crime. Further developments have included the implementation of audio (and later video) recording of such interviews with suspects.

Several Codes of Practice have been issued under the PACE legislation, setting out day-to-day procedural requirements for police operations. The relevant Codes for the procedure of interviewing suspects are Code C and Code E. In addition, certain other PACE provisions which are not directed exclusively at interviewing of suspects, but also have an extremely important influence concerning the police interviewing such as Sections 76 and 78. Section 76 of PACE deals with challenges to the admissibility of confessions and directs the court to exclude confession evidence obtained by oppression in such circumstances which were likely to make the confession unreliable. Section 78 of PACE, meanwhile, provides further safeguard against police malpractice. It allows the courts to exclude any evidence which would otherwise be admissible against a defendant on the basis that it would be unfair to adduce it. More importantly, the combined effect of these provisions is to place a significant onus on police not only to act fairly but also to be seen to be acting fairly at all times (Haworth, 2009). For example, in *R. v. Heron* the judge acquitted the defendant, when, *inter alia*, the police officers misled the accused

during an interview regarding identification evidence in a homicide case (Milne et al., 2010).

Nevertheless, the effectiveness of PACE legislation (concerning the police interviewing of suspects) has been debatable. In an early assessment of PACE legislation, McConville, Sanders, and Leng (1991) suggested that little of police interviews had changed especially in relation to ‘interrogative suggestibility’. Moreover, these authors asserted that the tape recording of interviews had not altered the power relations in the interview, particularly the fact that “interrogation takes place in an environment which increases the vulnerability of the suspect and maximises the authority and control of the police” (McConville et al., 1991, p.78). Baldwin (1992) noted that the persuasive interviewing styles found in studies that examined practices before the introduction of PACE (e.g. Irving, 1980) have since been replaced by a more tentative style after its introduction. Baldwin found this less assertive approach resulted in suspects being appropriately challenged when the opportunity arose, but only on rare occasions. Moston, Stephenson, and Williamson (1992) found that the police officers spent little time on obtaining accounts from suspects. Instead, police officers tended to adopt an accusatory approach when interviewing suspects. Furthermore, Moston and Engelberg (1993) examined 118 real-life police interviews and found that the most common interviewing style was confrontational and confession seeking. They also found that the common procedure used by the police interviewers from the outset was to tell suspects that it was in their best interest to confess, as the evidence against them was overwhelming.

Following the introduction of PACE and the regulating of police practices within the interview room, police interviewing practices became much more transparent (Milne, Shaw, & Bull, 2007). However, wrongful convictions with causes similar to those

revealed before the introduction of PACE continued to occur (e.g. Christy Walsh) (Gudjonsson, 2003). The repercussions of such cases are still being felt by the criminal justice system today (Shipton, 2015), indicating that poor police questioning has remained a major problem (Poyser & Milne, 2015).

1.4.3 Introduction of PEACE Interviewing Model in England and Wales

The revelation of poor police investigative and interviewing practices in the early 1990s resulted in a steep decline in public trust in the criminal justice system and numerous compelling voices calling for reforms (Poyser, 2012). For instance, in 1991, six suspects convicted of terrorist bombings (the Birmingham Six) were released when confession evidence that had secured their convictions in 1974 was discredited (Gudjonsson, 2003). Subsequent research highlighted that the police investigative process continued to rely on the role of the confession evidence (Poyser & Milne, 2015). Clearly, despite the introduction of PACE legislation, fundamental changes in police investigative practices were as yet required (Milne et al., 2010).

Partly in the light of the research studies and of judicial criticism of police interviewing in high profile cases, as well as subsequent squashing of the convictions (e.g. *R. v. Heron*), the police service in England and Wales adopted a more ethical approach to the police interviewing in 1993. This new approach to the police interviewing was built upon research examining good communication skills, human memory, and the management of conversation (Clarke, Milne, & Bull, 2011; Milne & Bull, 1999; 2016). Central to these changes was the development of an ethical interviewing model known by its mnemonic 'PEACE'. This stands for: **P**lanning and **P**reparation, **E**ngage and

Explain, Account, Closure, and Evaluation, being the five phases of the model (see Milne & Bull, 1999) for a full description of the model). PEACE consisted of two interview types; (i) ‘conversation management’ – for suspects who are resistant (Shepherd, 1993); and (ii) the ‘cognitive interview’ for interviewees who are more co-operative (Fisher & Geiselman, 1992). One of the major principles underlying this new approach was that the purposes of all interviews are to search for the truth and to gather accurate and reliable information using non-coercive techniques. The PEACE model provides for a planned, fair, and ethical means of interviewing which is hallmarked by its encouragement for the interviewer to remain open-minded at all times (Williamson, 2006). The model is used to train police officers across England and Wales and has been adapted for use in many other parts of the world including Australia, New Zealand, and Norway.

An integral part of this revised interviewing approach was the development of a variety of courses to train police officers. The training focused on developing interviewers’ ability to utilise a number of specific skills including; (i) engaging with a suspect in conversation; (ii) explaining the purpose and format of the interview; (iii) the use of appropriate questions (i.e. the use of open rather than closed questions); and (iv) the avoidance of leading and misleading questions (Powell, & Barnett, 2015; Wright & Powell, 2006). Initial evaluations concerning the effectiveness of the training in the PEACE model produced results that seemed promising. For example, McGurk, Carr, and McGurk (1993) found improvements in officer’s skills and knowledge immediately following the training. However, Bull and Cherryman (1996) found evidence of questioning predominantly consisting of closed questions, accompanied by a continuation of the use of leading questions, a lack of both rapport building and the usage of pauses and silence, and shortfalls in both empathy and flexibility. Since these evaluations (i.e.

McGurk et al., 1993; Bull & Cherryman, 1996) were conducted immediately after the introduction of the PEACE training, arguably the learnt new skills were not given sufficient time to be fully embedded into regular police practices. A national evaluation of PEACE found that interviews with suspects had improved since its inception but that further development was still necessary (Clarke & Milne 2001). Clarke and Milne found good use both of open questioning techniques and allowing the suspect to give their account of events. They found that ethical standards appeared to have become embedded into the police interviewing of suspects (later Walsh & Milne [2008] observed similar findings with non-police agencies). Following Clarke and Milne's (2001) national evaluation of PEACE, a five-tier structure of interviewing skills was developed, intended to increase the professionalisation of all investigators. Research has suggested that this development into investigative interviewing has resulted in the improvements in interviewing skills (Clarke et al., 2011).

It is argued that ethical interviewing techniques lead to better outcomes in terms of getting full accounts from interviewees (Walsh & Bull, 2010), and possibly in terms of getting admissions from suspects (Holmberg & Christianson, 2002). Holmberg and Christianson explored the perceptions of Swedish prisoners convicted of murder or sexual offences. They found the interviews in which the police were perceived as dominant (fretful, forceful, and abrupt in way) were associated with denials, whereas those marked by humanity (inviting, conscious, obliging, and understanding at the suspect) were associated with admissions. However, their study involved: (i) self-reporting by these prisoners; and (ii) for some of them recollection of interviews took place several years prior to the study. As such, these factors (e.g., distorted memories, social desirability bias,

and questions can be misunderstood in self-report studies) might have affected the findings of Holmberg and Christianson's (2002) study.

Milne, Poyser, Williamson, and Savage (2010) assert that the investigative process as a whole, has in the UK, over the course of the last 25 years or so, been improved and professionalised alongside changes to legislation (i.e. introduction of PACE legislation and PEACE model) which have occurred within the criminal justice context. However, it remains a challenge for researchers and professionals to examine where police interviewing of suspects can be further improved. For instance, one of the challenges in overcoming the resistance of suspects without compromising on the ethical principles of fairness or increasing the likelihood of false confessions (e.g. Gudjonsson, 2010; 2018). Gudjonsson (2018, p. 55) argued when the police are under pressure to get an outcome in high profile cases (e.g. murder or terrorism), *“they will typically deploy their full arsenal of tactics, notwithstanding any training in investigative interviewing”*. Under such conditions, some innocent individuals may well continue to confess their guilt (Sanders, Burton, & Young, 2010). While the introduction of PEACE model has facilitated a change in the ethical conduct of interviews, however, as Bearchell (2010) found that a significant number of police officers maintained the view that the best outcome of an interview is an admission of guilt.

1.5 Prejudicial Stereotyping and Investigative Interviewing

Police officers interview only those individuals whom they suspect of having committed an offence. For a person under investigation, this impression (of having committed an offence) is argued to be very significant because it establishes whether police interviewers proceed to interview suspects with a presumption of guilt which, in

turn, can predispose an inclination to ask guilt presumptive and confirmatory questions, as well as using persuasive tactics, and attempt to obtain confessions (Hill, Memon, & McGeorge, 2008; Kassin, Goldstein, & Savitsky, 2003). One of the most prominent findings from earlier research into police interviewing of suspects is that police interviewer presumes the suspect to be guilty, even before the interview is conducted (Baldwin, 1992; Bearchell, 2010; Mortimer & Shepherd, 1999). The research conducted on police interviewing provides an insight into the effect that holding a presumption of guilt could have on interviews of suspects (Kassin et al., 2003). If police interviewers presume suspects to be guilty prior to the interview, they may conduct their interviews by seeking or interpreting evidence in ways that are partial to existing beliefs or hypotheses. Therefore, a guilt presumption may be one explanation as to why some suspect interviews continue to be conducted in an unsatisfactory manner (Hill et al., 2008).

Moreover, Kassin, Goldstein, and Savitsky (2003) conducted an experimental study (using student participants), one group of these students committed a mock crime, while the other half took part in an innocent, but similar act. Before conducting the interviews, mock interviewers were led to believe that some suspects were either guilty or that some were innocent. Kassin et al. (2003) found interviewers (of those suspects in the presumed guilty condition) ; (i) asked more guilt presumptive questions; (ii) conducted persistent and coercive forms of questioning; and (iii) exerted more pressure on suspects to confess (which is argued in the literature to possibly result in or contribute to false confessions [Gujonsson, 2018]).

Hill et al. (2008) (also using student participants) conducted three studies to examine the effect of assumption of guilt on interviewers' questioning style, confessions and denial rates, and suspects' verbal behaviour during interviews with mock suspects.

These authors found that the assumption of guilt can indeed have effects both on questioning style employed by interviewers, as well as the emergence of a self-fulfilling prophecy. They also found that suspects were seen to be more anxious, more defensive, and less plausible when reacting to guilt-presumptive questions than to neutral questions. Both studies by Hill et al. (2008) and Kassin et al. (2003) involved student participants, who had experienced neither the same training nor the level of expertise as police officers. It could be argued that in real life interviews police officers approach to suspects may well be with the neutral state of mind rather than expectations of guilt. Therefore, it is possible that in real-life situations such outcomes might well be different.

Research studies have identified an investigator bias effect, where trained and experienced officers have a bias towards judgments of deceit. For instance, Meissner and Kassin (2002) found that greater prior experience and training was significantly correlated with a tendency to judge suspects as deceitful rather than truthful, however, it was not correlated with the accuracy of their judgments. Hence, police officers with more experience and training may be particularly susceptible to confirmation biases. Confirmation bias is described by Nickerson (1998, p.175) as “seeking or interpreting of evidence in ways that are partial to the existing beliefs, expectations, or a hypothesis in hand”. This can include both looking for information that affirms current beliefs, while not looking (even avoiding) information that disconfirms such beliefs (as was found in the study of Hill et al., 2008).

With regard to police interviews, Mortimer and Shepherd (1999) had noted that an investigative bias toward suspects’ wrongdoings led to an ‘accusatorial’ style of interviewing where police officers used a ‘confirmatory’ strategy to elicit confessions. Such accusatorial methods have been argued to increase the likelihood of false

confessions (Gudjonsson, 2018; Meissner, Russano, & Narchet, 2010). Loftus and Palmer (1974) found that memory can be affected by externally provided suggestions by interviewers. These authors found how easily events can be remembered incorrectly when misleading or inaccurate cues are introduced. Williamson (2007) argued that subtle changes in words could encourage people to report non-existent details of events they have not experienced. Therefore, it appears that suggestive information not only alters the details of events but can also plant entirely false beliefs in the mind of people (Ost, 2006).

Despite the fact that research suggests that the developments concerning investigative interviewing resulted in the improvements in interviewing skills (Milne & Poyser, 2017), yet further cases of miscarriages of justice continue to emerge (e.g. Frank Johnson, Robert Brown, Patrick Irvine and Thomas Green (Belfast) in 2002, Anthony Steele in 2003, Paul Blackburn in 2005, Patrick Nolan in 2006, Sam Hallam in 2012, and Victor Nealon in 2013) where a disputed confession is at the heart of quashing of a conviction (Milne et al., 2010; Poyser & Milne, 2015). Such cases of miscarriages of justice demonstrate that there are no grounds for complacency and a need for continuous empirical research, aimed at further improving the police investigative process remains as strong as ever (Poyser & Milne, 2015). Poyser and Milne (2015) suggest that the risk of miscarriages can be minimised through; (i) the development of high calibre investigation and interview processes, which will reduce reliance upon admission evidence; (ii) good quality, thorough and cautious questioning of victims and witnesses, subsequently allowing them to be heard and to impart their best evidence; and (iii) greater awareness and comprehension in relation to interviewing vulnerable individuals.

Previous research within the context of investigative interviewing has mainly focused on interviewing skills (e.g. Baldwin, 1993; Bull, 2010; Bull & Cherryman, 1996;

Cherryman, 2000; Cherryman & Bull; 2001; Clarke & Milne, 2001; Clarke et. al., 2011; Holmberg & Christianson, 2002; McGurk et al., 1993; Moston & Engelberg, 1993; Soukara et al., 2009; Walsh & Milne, 2008; Walsh & Bull, 2010) and questioning techniques (e.g. Baldwin, 1993; Davies, Westcott, & Horan, 2000; Griffiths & Milne, 2006; Griffiths, Milne, & Cherryman, 2011; Myklebust & Bjoklund, 2006; Phillips, Oxburgh, & Myklebust, 2011; Williamson, 1993). However, despite this growth in the depth of research, and despite the introduction of both PACE legislation and the PEACE model in England and Wales, negligible research has been conducted to examine the influence of prejudicial stereotyping of suspects. As such, previous research has not made significant contributions to examining the influence (if any) of prejudicial stereotyping concerning the investigative interviewing of suspects. Prejudicial stereotyping has been argued to adversely affect police officers' search for the truth (Huggon, 2012; Williamson, 2006), being the stated aim of investigative interviewing in England and Wales. Hence, an examination of the influence (if any) that prejudicial stereotyping has on police investigations is needed. Without such research being conducted, we will not understand with any confidence some of the causes of miscarriages of justice and criminal investigation failures. Accordingly, one of the main aims of this thesis is to examine whether prejudicial stereotyping influences criminal investigations.

1.6 Prejudicial Stereotyping and the Criminal Justice System

In recent years, racially biased policing has been a focus of inquiry for the media and researchers, not only in the UK but also in the United States and Canada. A number of research studies have reported findings showing disparities in the police treatment of ethnic minority citizens and White citizens (e.g. Bowling, 2018; Bowling & Phillips,

2007; Graham & Lowery, 2004; Hall, Hall, & Perry, 2016; Smith & Alpert, 2007). Further, research has also found that negative outcomes in the criminal justice system, from being arrested for a crime to sentencing, occur disproportionately to Blacks than Whites (Blaine, 2011). In the UK, following the publication of the Macpherson inquiry report into the murder of Black teenager Stephen Lawrence, the issue of racial profiling reached new heights of intensity. The report concluded that the over-representation of racial minorities in the national stop and search data led to the clear conclusion of racial stereotyping (Macpherson of Cluny et al. 1999).

One of the dangerous types of bias in the criminal justice system and fair trial is argued to be prejudicial stereotyping about a group. The focus of such bias is on race or ethnicity but could also include negative stereotyping based on someone's group membership (Graham & Lowery, 2004). However, racial stereotyping is generally argued to be one of the major sources of partiality in the criminal trials (Huggon, 2012). Research conducted on racial stereotyping indicated that white juries tend to convict defendants more when they were a different race than themselves and to be more lenient of defendants of their own race when the victim was of a different race (Johnson, 1985; Mazzela & Feingold, 1994; Huggon, 2012). Furthermore, earlier research (e.g. Cohn, Bucolo, Pride, & Sommers, 2009; Thomas & Balmer, 2007; Gray & Ashmore, 1976; Mitchell, Haw, Pfeifer & Meissner, 2005; Ugwuegbu, 1979) has suggested that Black defendants were consistently found guilty more often and given harsher sentences than their White counterparts.

In the context of prejudicial stereotyping, Bowling, Parmar, and Phillips (2013) argue that racist beliefs, xenophobic attitudes, and racial prejudice remain widespread in British society. They note that while the overt form of racial prejudice (e.g. activism

within extreme right political party such as British National Party) is rare, but racist beliefs, anti-immigrant feelings, xenophobic attitudes, and racial prejudice have a deep and powerful well-spring on which to draw. More importantly, concerning the criminal justice point of view, if police officers are a cross-section of society, then it could be expected that some may well be racially prejudiced (Bowling et al., 2013). Research conducted on policing (e.g. Bowling et al., 2013; HMIC, 2005; Reiner, 1991) shows that racism and racial prejudice in policing culture were more widespread and more extreme than in the wider society.

Furthermore, an inspection conducted by Her Majesty's Chief Inspector of Constabulary (HMIC, 2005) on community and race relations policies and practices within the police service, concluded, that racial discrimination and harassment are endemic within our society and the police service is no exception. Reiner (1991) asserted that within the police service stereotypes of black have been more consistent in that they are thought to be more prone to violence and drug abuse, suspicious, aggressive, lacking brain power and troublesome. Further, Reiner asserted that such findings have not been restricted to constables but have also been found throughout the ranks. Research in the field of policing ethnic minority communities (Bowling & Phillips, 2007; Fekete, 2018) has found that individuals from Asian¹ and Black communities are far more likely to be stopped and searched by the police in comparison with white people. To explain this disproportionality in stop and search figures, it may well be argued that Asians are

¹Asian – here should be taken as an ethnicity. In stop and search records the ethnicity of an individual is recorded (not religion), therefore, here Asian ethnicity should not be taken as Asian Muslims, but the broader Asian community (regardless of religion)..

involved in gangs, and the Blacks are by nature more aggressive and given to violence than Whites, as such, this may cause them to commit more crimes and be searched at greater rates than Whites (Bowling et al., 2013). However, Blaine (2012) asserts that there is no such evidence to suggest that Black or Asian people are inherently more aggressive than Whites. Blaine, further asserts that research has indicated that aggressive behaviour arises out of situations, not from one's race.

Additionally, Bowling et al. (2013) note that the pliability of stereotypes of Asians and particularly Muslims has been documented in recent research, that has suggested these stereotypes have transformed. That is, they were conformist, are now thought to be less applicable, and stereotypes assumed that they were law-abiding (tight-knit communities and high level of social control) are now thought to promote criminal and deviant activity amongst Asians and Muslim youth (Hudson & Bramhall, 2005). The shift in such perceptions has been argued to be located in both local and global notions of Asian Muslim youth as increasingly involved in gangs, violence and riots (Alexander, 2000; Bowling et al., 2013). Further, Bowling et al. (2013) note that the ethnic background of stops and searches under S.44 (1) (2) of the Terrorism Act 2000 indicates that Asian people were more likely to be stopped and searched using these powers than that of Black people. Mythen, Walkate, and Khan (2013) argue that the increased number of Asians in stop and search figures since 'war on terror', is perhaps connected to growing anti-Muslim feelings in England and Wales. Webster (2004) argues until studies and statistics begin to disaggregate 'Asian' it is difficult to ascertain whether there is the disproportionate treatment of Muslims in particular or towards all Asians. Thus, further research is needed to establish whether the increased number of Asians in stop and search figures following the 'war on terror' is connected to anti-Muslim feelings.

1.6.1 Understanding Prejudice and Stereotyping

Prejudice is an unjustified negative judgement towards an individual in response to his/her social group identity (Allport, 1954). In his seminal text, Allport (1954) viewed attitudes, beliefs, and behaviours as separate but interrelated components of prejudice. According to Allport (1954), an *attitude* is a mental and neural state of readiness, organised through experience, exerting a directive and dynamic influence upon individual's response to all objectives and situations with which it is related, and a *belief* is based on overgeneralisation or erroneous information. Allport suggested that prejudice is an inevitable consequence of the ordinary categorisation process which is known as *stereotyping*. Stereotypes are "shared beliefs about person attribute, usually personality traits, but often also behaviours, of a group of people" (Leyens, Yzerbyt, & Schadron, 1994, p.3). Devine (1989) argued that stereotypes are heuristically (or automatically) applied to the members of the social group. Devine, further argued that as long as stereotypes exist, prejudice will follow, and it is inevitable. The inevitability of prejudicial approach overlooks an important distinction between the knowledge of negative stereotypes and their acceptance or endorsement (Billing, 1997). This suggests, although, one may have knowledge of stereotypes about particular groups, however, his/her personal beliefs may or may not be congruent with such stereotypes. There is no strong evidence to suggest that the knowledge of stereotypes of a group implies prejudice towards that group (Billing, 1997; O'Connor, 2017). For example, in a study with war veterans, Bettelheim and Janowitz (1964) found no significant relationship between stereotypes reported by veterans about Black and Jews and the degree of prejudice veterans displayed toward these groups. Although the knowledge of stereotypes of a group does not necessarily result in prejudice towards that group, it is also important to

understand how prejudicial stereotyping emerge. Therefore, the emergence of prejudicial stereotyping will now be discussed.

1.6.2 Emergence of Prejudicial Stereotyping

Prejudice involves negative feelings towards people based on their group membership, whereas stereotyping involves negative beliefs and thoughts about such groups (Blaine, 2012; Passini, 2018). Prejudicial stereotyping of individuals and groups emerges in three steps (Casper, Rothermund, & Wentura, 2010; Cloutier, Mason, & Macrae, 2005; Taylor, Fiske, Etcoff, & Ruderman, 1978). Firstly, the individual or group is categorised (e.g. on the basis of their race, crime, age, sex, or sexuality). Next, a stereotype is activated automatically, and stereotypical expectations are formed. Finally, following the activation of such stereotyping, others' behaviour will be interpreted in stereotyped terms. Stereotypes can also generate specific emotional and behavioural responses on the part of the observer (Cuddy, Fiske, & Glick, 2007). Consequently, prejudicial stereotyping can be based on any group label including such common groups as ethnicity, social class, religion, nationality, or cultural identity (Blaine, 2012). Blaine (2012) argues that prejudicial stereotyping is alive and well and exists in schools, workplaces, and communities. There are four prominent types of prejudice identified by Blaine; (i) racism; (ii) sexism; (iii) weights-based prejudice; and (iv) prejudice that is rooted in religious beliefs and ideology.

In order to examine the emergence of prejudicial stereotyping, Bond, DiCandia, and McKinnon (1988) compared the treatment of patients in a psychiatric hospital run by an all-white professional staff. These authors examined the two most common methods used by staff members to handle patients' violent behaviour; (i) secluding the individual

in a timeout room; and (ii) restraining the individual in a straitjacket and administering tranquillising drugs. They also examined hospital records of over eighty-five days and found that the harsher method (physical and chemical restraint) was used with black patients nearly four times as often as with white patients. This was the case despite the virtual lack of differences in the number of violent incidents committed by the black and white patients. Moreover, this discriminatory treatment occurred even though the black patients, on being admitted to the hospital, had been diagnosed as slightly less violent than the white patients.

Such discriminatory behaviour and expressions of negative feelings and responses toward ‘others’ based on their social group identity depends on the interplay of automatic negative impulses, thoughtful and fair-minded social beliefs, and principles that are embraced by most of the society members (Blaine, 2012; Hogg, Abrams, & Brewer, 2017). Bargh (1994) outlined, automatic mental associations and processes are characterised by some or all of the following criteria; (i) *spontaneity*, in that they happen in the absence of any intention; (ii) *efficiency*, in that they do not require much in the way of intentional resources for their execution; (iii) *uncontrollability*, in that they operate in a ballistic fashion and are hard to stop once they have been initiated; and (iv) *unconscious*, in that they can operate in a manner that is not subject to awareness. These automatic mental associations are likely to be activated whenever a member of the stereotyped group is encountered (Devine, 1989).

These automatic mental associations and evaluations can be activated unintentionally and without requiring much cognitive capacity (Cunningham, Raye, & Johnson, 2004). The activation of these associations may result in perceptions and responses that are biased in the direction of such associations (Bodenhausen et al., 2008).

For example, if 'Muslims are bad' association gets activated on encountering a Muslim person, then any ambiguous information about the person may be given a negative turn and be interpreted in the light of confirmatory mechanism of biased attention, memory, and interpretation (Bodenhausen et al., 2008). Bodenhausen et al. (2008) contend that automatic associations may influence not only perceptions and judgements, but also overt behaviours, particularly spontaneous behaviour such as non-verbal reactions. This may be one explanation for the increase in hate crimes toward Muslims following a terrorist incident where the suspected offender is a Muslim. Research shows that there is a link between such corrosive forms of social hostility and intergroup bias (Mackie & Smith 1998; Wilder & Simon 2001). Intergroup bias generally refers to the systematic tendency to evaluate one's own membership group (the in-group) or its members more favourably than a non-membership group (the out-group) (Rhodes et al., 2018). It is important to understand exactly how inter-group biases emerge; thus, the emergence of inter-group biases will now be discussed.

1.6.3 Inter-group Biases

Stereotypes generate specific emotional and behavioural responses on the part of the observer (Cuddy, Fiske, & Glick, 2007; Hogg et al., 2017). Stereotypes can, therefore, be seen as simplifying perceptions, judgments, and actions, even though researchers are careful to draw distinctions between stereotype activation (unconscious) and application (conscious) (Monteith, Sherman, & Devine, 1998). Unconscious and conscious stereotypes are two distinct forms of intergroup biases. Unconscious stereotypes are produced by the unconstrained activation of mental affiliations that are not essentially personally endorsed but are present in contemporary society. By contrast, the conscious

stereotypes are produced by intentional, deliberative mental processes (Devine, 1989). Devine argued that all individuals, regardless of their intentions to be fair-minded and non-biased, know about stereotypes held about different groups. She further asserted that by internalising such beliefs, a negative emotional response is adopted towards those groups. These well-learned attitudes and responses operate automatically when encountering a member of a stereotyped group, owing to ongoing social representations of such groups (Todd, Bodenhausen, Richeson, & Galinsky, 2011). One of the most significant consequences of unconscious stereotypes has been argued the possibility that these biases are inevitable and their impact almost impossible to avoid (Bargh, 1999; Devine, 1989). In the event that members of any minority group are consistently exhibited in negative social contexts (e.g. terrorism, dependency, crime etc.), classical and evaluative conditioning processes might well produce prejudiced mental affiliations with members of that minority group (Walther, Nagengast, & Trasselli, 2005).

Devine (1989) proposed arguably an exceptionally powerful model of prejudice and stereotyping. Her model concentrates on automatic and controlled components of prejudice. The model assumes that high-prejudiced and low-prejudiced individuals are equally familiar with cultural stereotypes and that these socially shared, cultural stereotypes are likely to be accessible and automatically activated in the presence of a minority group member. However, what distinguishes prejudiced and unprejudiced individuals is not this automatic component but the controlled component. Non-prejudiced individuals are presumed to hold personal beliefs that motivate them to repress the impacts of the automatically-activated cultural stereotypes. Hence, Devine's model suggests that personal beliefs must be consciously attended by means of controlled procedures to exert any influence.

Devine's (1989) model has not gone unchallenged. Lepore and Brown (1997) argued many of the primes employed by Devine to activate stereotype-related information were negatively valence stereotypic traits. They further argued that the priming procedure did not enable an unbiased spontaneous activation of the participant's implicit stereotypic knowledge. Lepore and Brown (1997) conducted contrasting studies to address the methodological issues of Devine's (1989) study. They suggested that there are more variations in the stereotypic process than is credited by Devine. These authors found that low-prejudiced persons may not possess automatic stereotypic associations, so when they encounter members of the stereotypic group, there is little that is stereotypic, to activate the automatic associations. Other research studies (e.g. Macrae, Bodenhausen, Milne, Thorn, & Castelli, 1997; Spencer et al., 1998) found that stereotype activation is more a function of the perceiver's goals than of the availability of cognitive resources. Macrae et al. (1997) argued that low-prejudiced persons have become exceedingly skilled at promptly suppressing their activation, even though they still do have stereotypic associations in their minds. Whether stereotypes are socially shared, culturally learned or personal evaluations, the above-discussed research showed that the influence of these biases might well be impossible to avoid, and people may not realise the extent of their own prejudicial stereotyping because they are so well-learned and operate outside of our awareness.

1.6.4 Impact of Intergroup Biases on the Criminal Justice System

Research (e.g. Devine, Buddenbaum, Houpp, Studebaker, & Stolle, 2009; Levett, Danielsen, Kovera, & Cutler, 2005) has demonstrated that the individual characteristics of defendants (e.g. race, gender, and financial status) may have an impact on the outcome

of criminal investigations. In particular, *an in-group–out-group bias* may make jurors more likely to acquit a defendant perceived as similar (in-group) and convict a defendant who is not (out-group) (Brewer, 2007). Brewer argues that in-group biases and inter-group discrimination are motivated by in-group favouritism rather than direct hostility toward out-group members. Whereas, a *black sheep effect* (Marques, 1990), would include a possibility dictated by the strength of the evidence against the defendant. Essentially, a black sheep effect would make jurors more inclined to acquit an in-group defendant when the evidence is weak, however more inclined to convict when the evidence is strong (Marques, 1990). Acting punitively towards an in-group defendant facing strong evidence of guilt would essentially serve as a means for jurors to distance themselves from an in-group member who had clearly violated group norms (Devine et al., 2001).

Furthermore, a growing body of research (e.g. Baldus, Pulaski, & Woodworth, 1983; Bjerregaard, Smith, Cochran, & Fogel, 2017; Chadee, Ali, Burke, & Young, 2017; Devine et al., 2009; Gray & Ashmore, 1976; Leippe, Bergold, & Eisenstadt, 2017) supports a connection between race and the jury decisions in actual trials, especially those concerning more serious offences (e.g. murder and rape). These studies are generally consistent with an in-group–out-group bias with regard to participants’ race, yet two mock jury studies have produced some support for the black sheep effect (i.e., Chadee, 1996; Kerr, Hymes, Anderson, & Weathers, 1995). However, two field studies that examined bias associated with participant race did not produce clear support for the black sheep effect (i.e. Hannaford-Agor & Hans, 2003; Taylor & Hosch, 2004).

Recent research concerning whether people possess unconscious racial stereotypes have provided reasons to feel uncertain as to whether individuals can make

impartial decisions about out-group members (Correll et al., 2007; Fazio, Jackson, Dunton, & Williams, 1995). Such research has suggested that negative stereotypes that exist against individuals from certain minority groups can have a strong impact on how people behave toward members of these groups. These negative stereotypes appear to be unconscious, implying that even somebody, who overtly claims to be fair-minded, may demonstrate biases in decisions on an implicit level (Lammers & Staple, 2011). Research has suggested that negative stereotypes are automatically activated when exposed to out-group individuals, which might well potentially influence one's decisions (even if people do not want to be influenced by them) (Banaji & Greenwald, 1995; Devine, 1989; Fazio et al., 1995; Greenwald, 1992; Macrae & Bodenhausen, 2000). The social identity theory offers a powerful explanation for the social foundation of in-group and out-group biases. Social identity theory maintains that group membership serves to bolster self-esteem, and thus, individuals have an incentive to favour in-group members over out-group members (Tajfel & Turner, 1979). The foregoing literature (e.g., Devine, 1989; Huggon; 2012; Tajfel & Turner, 1979) suggests that the use of negative stereotypes (concerning race or religion) may have adverse effects on the criminal investigative processes as these stereotypes could have a more negative effect when investigating suspects from out-group communities.

In the context of the criminal justice system, certain ethnic minorities are frequently negatively stereotyped to have characteristics that make them more inclined to take part in criminal behaviour (Correll et al., 2007). For example, Ware (2007) argues that the stereotyping of young black men as dangerous criminals is deeply embedded within police culture. These negative stereotypes may influence how actors of the criminal justice system treat suspects from these ethnic minorities (Lammers & Staple,

2011). Decisions made by actors of the criminal justice system (i.e. police officers and judges) can have serious consequences for the people involved. Recent research has suggested that even imperative decisions are influenced by racial stereotypes. For instance, a police officer's decision whether to shoot a potentially armed suspect has been argued to be influenced by the suspect's ethnicity (Correll et al., 2007; Hall, Hall, & Perry, 2016). Accordingly, unconscious negative stereotyping may well influence legal decisions (Greenwald & Krieger, 2006). In the US, ProPublica analysis of federal data on fatal police shootings between 2010 and 2012 found that young Black male civilians were 21 times more likely to be killed by police than young White male civilians (Gabrielson, Jones, & Sagara, 2014).

Moreover, the illusory correlation is a further possible explanation of racial stereotyping by police officers (Smith & Alpert, 2007). In brief, illusory correlation is an implied relationship between two classes of events that are either not as associated or are correlated to a lesser degree than that reported (Chapman, 1967). The presence of an illusory correlation between distinctive behaviours and minority communities was initially found by Hamilton and Gifford (1976). These authors suggested that individual subjective reasons for the formation of group stereotypes may reinforce socially transmitted stereotypes. When police officers are exposed to negative behaviours by individuals from minority groups, they may overestimate the predominance of such behaviours, which may reinforce pre-existing racial stereotypes (Mullen & Johnson, 1990). Smith and Alpert (2007) suggest the racial profiling is probably the after-effect of unconscious racial stereotyping, re-emerging either from differential presentation to group criminality or by an illusory correlation phenomenon. In turn, this may lead police

officers to possibly overestimating the pervasiveness of negative behaviours among minority citizens (Smith & Alpert, 2007).

In the context of racial stereotyping, Graham and Lowery (2004) examined the relationship between unconscious racial stereotypes and decision-making in experimental settings. They employed subliminal racial priming (that is, unconscious racial stereotyping) to test the effect of negative racial stereotypes held by police officers and juvenile probation officers in their evaluations of hypothetical adolescent offenders. They found that those participants (who had been assessed as racially primed) rated the hypothetical delinquents as more mature (in age) and gave them higher negative-trait ratings related to violence and bad character. Participants also judged such delinquents to be more culpable and deserving of harsher treatment. These authors found that unconscious racial stereotypes can be activated by criminal justice decision makers and that, once activated, those stereotypes can influence their subsequent judgments and behavioural intentions. These findings suggest that unconscious racial stereotyping (and its influence on investigative decision-making) may well be a possible explanation for racial disparities observable in most law enforcement agencies (Smith & Alpert, 2007; Smith et al., 2006).

Although there is a significant volume of literature on the formation of racial stereotypes (e.g. Correll et al., 2007; Graham & Lowery, 2004; Greenwald & Krieger, 2006; Lammers & Staple, 2011; Todd et al., 2011; Ware, 2007; Walther et al., 2005), there is much less known concerning the relationship between prejudicial stereotypes and police officers' investigative decision-making concerning suspects from stigmatised communities. For instance, if a traffic patrolling officer decides to stop a car, then he/she is given various possible actions that will decide the outcome of the stop. That is, if the

infringement was observed, a police officer could decide between either a greater or lesser charge (e.g. speeding rather than reckless driving). In other circumstances, the police officer can decide on issuing a formal warning or making a custodial arrest. Another alternative is that the police officer could permit the citizen to continue with or without warning. Similarly, police officers can make choices concerning other decisions, for example, checking computer records to search evidence, or conducting stop and searches, all of which reflect the level of discretion that lies with police officers (Smith, Makarios, & Alpert, 2006). Hence, it is important to examine whether such prejudicial stereotyping influence criminal investigations before we confidently understand the actual causes of racial disparities observable in most law enforcement agencies, miscarriages of justice, and criminal investigation failures.

1.7 Thesis Rationale

A review of the literature (e.g. Brewer, 1999; Devine, 1989; Devine et al., 2009; Hall et al., 2016; Mackie, Hamilton, Susskind, & Rosselli, 1996; Ware, 2007) investigating the emergence of stereotypes indicates that stereotypes are cognitive structures contained within the mind of the perceiver, and they are composed of the perceiver's knowledge, beliefs, and expectations concerning an identifiable social group. From a criminal justice perspective, at the initial stage of abductive reasoning, negative stereotypes may be triggered when officers make decisions concerning a certain suspect with their pre-existing mental images for the group to which the suspect belongs (Darley & Gross, 1983). Essentially, abductive reasoning is the first stage of any inquiry in which an investigator tries to generate theories which may then later be assessed (Fahsing & Ask, 2016). As such, "abduction is the process of forming explanatory hypotheses"

(Peirce, 1965, p.172). This suggests that unconscious stereotypes can be activated in police officers' investigative decision-making processes. Once activated, these stereotypes may influence relevant decisions concerning a suspect's profile and perceived culpability (Smith & Alpert, 2007), because such stereotype activation does not appear to require a perceiver to overtly endorse the stereotype (Correll et al., 2007).

An important distinction has been made in the literature between one's own privately held beliefs about members of social groups (personal stereotypes) and the consensual or shared understanding of those groups (cultural stereotypes) (Graham & Lowery, 2004), the latter are primarily of interest in this thesis. The above-discussed research has suggested that, in the UK, cultural stereotypes of Muslims have been transformed following the 'war on terror'. Since the 'war on terror', studies investigating the portrayal of Muslims as 'suspects' have demonstrated that there is a marked increase in hostility towards Muslims. In the context of cultural stereotypes, Brewer (1999) argued that a strong in-group favouritism and out-group antagonism might be expected in highly segmented societies that are separated along a single primary categorisation (for example, ethnicity or religion). He further argued this would be particularly true if the categorisation is dichotomous, dividing the society into two significant subgroups. Such division promotes social comparison that gives rise to negative attitudes toward out-groups and high potential for conflict. Research studies have suggested the negative portrayal of Muslims in political and public discourses which are largely negative and characterise Muslims as the 'enemy within' which might well have potential to give rise to prejudicial stereotyping towards Muslims from the public at large (Awan, 2012; Awan, 2018; Awan & Rahman, 2016; Brown & Richards, 2016; Choudhury & Fenwick, 2011; Fenwick, 2013; Pantazis & Pemberton, 2009; Hickman et al., 2012).

In the context of criminal investigations, Roach and Trotter (2004) assert that hostile investigative techniques combined with negative stereotypes (that associate defendant with serious offences because of their ethnicity or religion) are a virtual recipe for investigative tunnel vision (that ignores exculpatory [favourable to the defendant] evidence) and confirmation bias. Tunnel vision leads actors in the criminal justice system to “focus on a suspect, select and filter the evidence that will ‘build a case’ for conviction while ignoring or suppressing evidence that points away from guilt” (Findley & Scott, 2006, p. 292). The occurrence of tunnel vision is arguably higher in the investigative processes when the suspect is from a stigmatised community (Roach & Trotter, 2004). The British experience with the Irish cases demonstrates that even scientists who provided expert evidence on the presence of nitro-glycerine failed to disclose false-positive test results that might be seen as exculpatory evidence (Roach & Trotter, 2004). As such, possibly tunnel vision is the glue that brings together a number of failings in the system (e.g. police negligence and misconduct, skewed expert testimony, and the failure to discover or disclose exculpatory evidence) (Findley & Scott, 2006).

Furthermore, the influence of prejudicial stereotyping within the context of investigative interviewing has received negligible attention. As such, no research (as far as it is known) has been conducted in England and Wales in order to examine the influence of prejudicial stereotyping on investigative interviewing concerning the suspects from the ‘suspect’ community. This thesis examines whether such prejudicial stereotyping plays a part when applied to legal decisions about Muslim offenders and whether investigative decisions could be affected by such prejudicial stereotyping.

This thesis aims to add to this limited literature in the ways detailed below.

1.8 Thesis Aims and Objectives

From the above literature review, ‘suspect’ community and prejudicial stereotyping can both be seen to be topics of criminal investigation research that has attracted fairly limited interest and some controversy. In the literature, both ‘suspect’ community stereotyping and prejudicial stereotyping are features that have been found to; (i) adversely affect police officers’ search for the truth; and (ii) influence the outcome(s) of the criminal investigations. Therefore, the general aim of this thesis will be to explore the Muslim suspects’ and legal representatives’ perceptions of real-life investigative, and particularly interviewing, processes, in England and Wales. This thesis also aims to examine whether prejudicial stereotypes held by the police officers towards suspects from the ‘suspect’ community could influence police officers’ investigative decision-making and the outcome(s) of the criminal investigations.

To achieve these aims, in this thesis the influence of prejudicial stereotyping (within the context of investigative and interviewing processes) examined through the course of five studies. Each of these studies has been designed to acquire novel information concerning the influence of ‘suspect’ community stereotyping on criminal investigations. Specifically; (i) how such prejudicial stereotyping (if existent) could influence police officers’ attitudes and investigative decision-making; and (ii) how investigative and interviewing processes may be improved.

Study one (outlined in Chapter Two of this thesis) focuses on whether police officers use stereotypes to inform suspicions when conducting stop and searches (rather than on the wider debates about policing BAME communities in the UK). Drawing upon strands of literature from cognitive social psychology, study one examined how officers;

(i) may develop suspicions of people; and (ii) decide whether or not to stop and search them. The findings are then presented from both an analysis of more than 2,100 stop and search records held by a police force in England, as well as 20 semi-structured interviews which were conducted with serving police officers.

When examining prejudicial stereotyping, the significance of the investigative interview process as a focus of concern should not be underestimated either in terms of officers' investigative decision-making, policing, or in relation to the social reality of the processes involved. Previous research on miscarriages of justice has suggested that prejudicial stereotypes have contributed to the grave violations of human rights with appalling consequences that involved miscarriages of justice which primarily exist within an investigative interviewing context. In Chapter Three, Four and Five, this thesis examined the influence of prejudicial stereotyping within the context of investigative interviewing considering the term 'suspect' community stereotyping. In order to examine how such prejudicial stereotyping may affect investigative interviewing, the second study (outlined in Chapter Three) in this thesis utilised a novel approach. For this purpose, the Minhas Investigative Interviewing Prejudicial Stereotyping Scale (MIIPSS) was developed and used to assess the apparent level of interviewers' prejudicial stereotyping towards suspects from certain stigmatised groups. Subsequently, by using this instrument, in Chapter Four and Chapter Five, this thesis focused on the role of prejudicial stereotyping within the context of 'suspect' community and investigative interviewing practices. As far as it is known, the study contained in Chapter Four is the first study that has obtained views from twenty-two real-life Asian Muslim suspects' and explored their perceptions to examine whether prejudicial stereotypes could influence investigative interviews. This part of the thesis originally contributes to the existing body of knowledge

and provides insight into the aspect of investigative interviewing of real-life suspects which has not received as much academic attention as other areas of investigative interviewing. The fourth study (outlined in Chapter Five) in this thesis broke new grounds by examining the perceptions of fifteen very experienced legal representatives who had represented suspects in police interviews. The purpose of interviewing lawyers was to gain a holistic view of the interview room and to examine their perceptions about the interactions of police officers and suspects from the Muslim community.

The final study (contained in Chapter Six) in this thesis is novel and groundbreaking to have analysed the influence of prejudicial stereotyping on real-life police interviewer's investigative decision-making within the context of 'suspect' community stereotyping. As far as it is known, this fifth study is the first study to explore whether the 'suspect' community stereotyping could influence police officers' investigative decision-making. This study utilised information gathered via semi-structured interviews, conducted individually with twenty serving police officers from a single police organisation in England. Finally, in Chapter Seven, this thesis contributed to the original knowledge by bringing together the findings from these five studies and discussing the possible implications these findings have for training investigative interviewers, case outcomes, and the practices of policing a 'suspect' community.

Chapter 2 The Role of Stereotypes in the Formation of Suspicion: An Examination of Operational Procedures into Stop and Search Practices

2.1 Introduction

In the UK, a number of research studies have reported findings showing disparities in police treatment between ethnic minority citizens and White citizens (Bowling, 2018; Bowling & Weber 2011; Graham & Lowery, 2004; Parmar, 2011). Following the publication of the Macpherson inquiry report into the murder of Black

teenager Stephen Lawrence, the issue of ‘racial profiling’ reached new heights of intensity. The report concluded that the overrepresentation of racial minorities in the national stop and search data led to the clear core conclusion of racial stereotyping (Macpherson of Cluny, 1999). Studies of stop and search found that the required reasonable grounds for suspicion were often not adhered to (Bowling & Phillips, 2007; Jefferson & Walker, 1993; Quinton, 2011), with stereotypes potentially playing a role in informing suspicions (Smith & Gray 1985; Quinton, 2011). Research studies (e.g. Bowling & Phillips, 2008; Cain, 2015; Graef, 1989; Jefferson & Walker, 1993; Quinton, 2011; Young 1994) have found that certain stereotypes are commonly used by police officers to classify people on the basis of their ethnic origin.

The present study focuses on whether police officers use stereotypes to inform suspicions when conducting stops and searches (rather than on the wider debates concerning the matter of policing BAME communities in the UK). Drawing upon strands of literature from cognitive social psychology, this study examines how officers; (i) may develop suspicions of people; and (ii) decide whether or not to stop and search them. The findings are then presented from both an analysis of more than 2,100 stop and search records held by a police force in England, as well as 20 semi-structured interviews which were conducted with frontline serving police officers (from the same force).

2.2 Background

Research studies (e.g., Bowling & Weber 2011; Bradford, 2017; McCandless et al., 2016; Phillips & Bowling, 2012; Quinton, 2011) suggest that the use of stop and search powers by the police has been the most controversial issue in debates about policing ethnic minority communities. This may always have been the situation since stop

and search powers emerged in 1824 via S.4 and S.6 of the Vagrancy Act (Qureshi & Farrell, 2006). Under the 1824 Vagrancy Act, people could be stopped for frequenting or loitering in public places with intent to commit an arrestable offence. DeMuth (1978) argued that since its inception the Act was criticised for its apparent disproportionate use against young Black men. Following the work of Scrap Sus Campaign (1979) and the conclusions of the Royal Commission on Criminal Procedure (1981), the Police and Criminal Evidence Act (PACE) 1984 was introduced to regulate police powers, which came into force in January 1986. PACE sought to introduce safeguards against discriminatory policing and structure the use of police discretion (Brown, 1997).

Police officers are empowered with many legislative instruments to stop and search people, the most frequently used powers are those under S.1 of the PACE Act 1984, S.23 of the Misuse of Drugs Act 1971, S.47 of the Firearms Act 1968, S.60 of the Criminal Justice and Public Order Act 1994, S.44 (1) (2) of the Terrorism Act 2000, and S.163 of the Road Traffic Act 1988 (Bowling & Phillips, 2007). The requirement in addition to these legislative instruments is that the police officer must have reasonable suspicion “...for suspecting that they will find stolen or prohibited articles” (S.1 (3) PACE Act 1984). According to PACE Code of Practice A, the primary purpose of the stop and search power is “to enable officers to allay or confirm suspicions about individuals without exercising their powers of arrest”. The critical element of PACE (1984) was the concept of ‘reasonable suspicion’, which was intended as a safeguard both against discriminatory policing and to reduce the possibility that individuals were subject to indiscriminate stop and search (Qureshi & Farrell, 2006). Reasonable grounds for suspicion depends upon the circumstances of each case, according to PACE codes of practice,

“there must be an objective basis for that suspicion based on facts, information, and/or intelligence which are relevant to the likelihood of finding an article of a certain kind.”

It adds that:

“reasonable suspicion can never be supported on the basis of personal factors alone without reliable or supporting intelligence or information or some specific behaviour by the person concerned” (PACE Code of Practice A, 1984, p.8).

The original PACE reforms relied primarily on legal challenges to regulate police behaviour (i.e. to establish a balance between the powers of the police and the rights and freedoms of the public)—an approach that has been met with scepticism by a number of authors (e.g., Baldwin & Kinsey, 1982; Dixon et al., 1989; Dixon 1997; McConville, Sanders, & Leng, 1991; Smith & Gray, 1985). For example, Dixon et al. (1989) highlighted that legal definitions of ‘reasonable grounds of search’ lacked clarity and relevance. Fitzgerald (1999) identified three key areas where discretion might lead to abuses of stop and search powers. First, police officers have to interpret legal rules for which no amount of guidance could cover every eventuality. Second, the concept of reasonable suspicion is vague, and officers differ widely in their understanding of it. Finally, individuals who consent to stop and search are not provided with sufficient safeguards under the PACE Act (1984). This may well be very problematic since the concept of ‘consent’ is elastic, because individuals subject to stop and search may be ignorant of their rights to refuse to be searched (Dixon et al., 1990; Quinton, 2011).

Stop and search is primarily an investigative power used for the purposes of crime detection or prevention in relation to a specific individual at a specific time (Lustgarten,

2002). However, police officers frequently use stop and search powers for ‘gaining intelligence’ on people ‘known’ to police, to break up groups of young people and for ‘social control’ more generally (Bowling, 2018; Bowling & Phillips, 2007; Fitzgerald, 1999). Young (1994) argued that the legal regulation of stop and search powers does not prevent the abuse of discretion. Kleining (1996, p.83) observed that police discretion was deemed to be “permission, privilege or prerogative to use one’s own judgment about how to make a practical determination”. Bowling and Phillips (2007) argue that PACE gives powers to police officers to stop and search individuals but does not criminalise actions taken without those powers (i.e. a stop without reasonable suspicion). Therefore, while an individual who refuses to submit to a police search commits a criminal offence, the legislation does not penalise police who act without lawful basis (Bowling & Phillips, 2007). If the searches do not satisfy the precondition of ‘reasonable suspicion’, does this mean that the police are acting illegally in such circumstances?

Stone (2014) states that if a police officer steps outside the provisions of the Act while conducting a search, this may lead to a charge of assault. However, “the absence of a clear statutory penalty for unlawful stops and searches allows the police discretion to act without adequate accountability” (Bowling & Phillips, 2007, p.939). As such, discretionary practices within stop and search could provide the opportunity for police officers to exercise their discretionary powers based on their prejudices (Kleining, 1996). Studies of stop and search after the introduction of the PACE Act (1984) indicate that the reasonable grounds for suspicion were often not adhered to (Quinton et al. 2000; Quinton, 2011), with negative stereotypes potentially playing a role to inform suspicions (Brown, 1997; Dixon et al., 1989; Smith & Gray, 1985; Quinton, 2011; Young, 1994).

Additionally, negative stereotypes can result from wrongdoing among specific groups coming more frequently to the attention of the authorities, which in turn can reinforce police and public stereotypes about such groups' involvement in particular types of crimes (Bowling & Weber, 2011; Lennon & Murray, 2018). As such, a significant proportion of these groups have the experiences of being treated as 'suspects' (Phillips & Bowling, 2012). In turn, the impact of this on the law-abiding citizens within such groups creates a perception of unfairness and injustice (Parma, 2011). Tyler and Wakslak (2004, p. 254) contend that the "subjective experience of feeling profiled might be equally as damaging to trust in police as the objective one of being profiled". Bowling and Weber (2011) assert that disproportionate use of stop and search powers have corrosively affected social solidarity. Further, these authors assert that "such use of stop and search powers induces sentiments of exclusion, resentment, distrust of the police, alienation, social, and political disenfranchisement" (Bowling & Weber, 2011, p.485). The experience of being unjustifiably targeted by the police undermines the legitimacy of policing which has material effects on voluntary compliance with the law, and additionally with respect to victims and witnesses coming forward (Tyler, 1990).

Quinton (2011) contends that stereotypes may be vital to decision-making in stop and search practices which could result in the police concentrating on the socially marginal. As Dixon et al. (1989) noted, a man who fits a stereotype just ends up noticeably suspicious in a stop and search context. Quinton (2011, p. 364) quoted a statement by an officer in which the officer revealed that the connotation of young people wearing tracksuits and hooded tops were not respectable: "you develop the stereotypes through experience, the people you see are involved in crime. In this area, its people in sports gear". Quinton (2011) further quoted a statement from another officer, who said,

“whenever a robbery comes in, 90% you will be thinking it’s a Black male because of the description and because you know who does a robbery in the past” (Quinton, 2011, p.364). Arguably, it may be inescapable that such focus on particular groups of a community would have resulted in youngsters from deprived backgrounds and ethnic minorities being targeted.

Moreover, in the UK Criminal Justice System, stereotypes about Black people posit them as criminally disposed, drug-abusing, and violent (The Lammy Review, 2017). Such views can be traced back to the classificatory systems of the Enlightenment thinkers (de Gobineau, 1853). Asian² men have increasingly come to be perceived as disorderly, militant, culturally separatist, and inclined towards Islamic terrorism (Bowling & Phillips, 2007; Shaw, 2016). Quinton (2011) found that Black people were commonly associated with robbery and drugs, but White individuals with a wide range of other crimes (e.g. criminal damage, theft, and vehicle crimes). Such stereotypes often continue unwittingly but can be directives of action since they work at the level of discernment and desire (Graham & Lowery, 2004).

The impact of stereotypes, as such, is to mark out the limits amongst ‘them’ and ‘us’ (Tajfel, 2010). Hall, McLaughlin, and Lewis (1998) found that such stereotypes operate unwittingly and can be directives of actions since they work at the level of discernment and desire. These authors also found that stereotypes were remarkably stable

² *Asian – here should be taken as an ethnicity. In stop and search records the ethnicity of an individual is recorded (not religion), therefore, here Asian ethnicity should not be taken as Asian Muslims, but the broader Asian community (regardless of religion).*

over time, being transmitted and maintained through informal work routines. In respect to stop and search practices, PACE (1984) states that reasonable grounds of suspicion cannot be based on stereotypes or individual qualities (including previous criminal record). However, Dixon et al. (1989) argued that the formation of reasonable suspicion is viewed as a rational process which includes officers looking over the material facts around them and weighing-up the probability of finding a prohibited item. Therefore, it (i.e. formation of reasonable suspicion) neglects the extent to which practical rules-of-thumb are central to investigative decision-making (Dixon et al., 1989).

According to the report of the Equality and Human Rights Commission (EHRC) (2010), stop and search powers had been used in a discriminatory manner. This report argues that various explanations have been put forward as to why the police use stop and search powers disproportionately against certain ethnic groups. For example: (i) Black people are generally more often involved in crime; (ii) stop and search play a role in preventing and detecting crime; and (iii) certain ethnic minorities' greater presence on the streets. Even taken together, these explanations provide very little justification for the extent and persistence of the problem (Weber & Bowling, 2011). The evidence points to racial discrimination being a significant factor as to why Black and Asian people are more likely to be stopped and searched than White people (EHRC, 2010). The EHRC (2010) report maintained that stop and search powers might well be used in a discriminatory and unlawful way. Even the Macpherson Report (1999: para. 45.10) acknowledged that "the majority of police officers who testified before us accepted that an element of the disparity was the result of discrimination". The present study examines whether this is still the case.

Following the Home Office Action Plan (1999) in response to the Stephen Lawrence inquiry report, a number of studies were conducted in order to examine police

use of stop and search powers (e.g. Bowling & Phillips, 2007; Bland, Miller, & Quinton, 2000; Home Office, 2003; Home Office, 2006; Miller, 2010; HMIC, 2013; HMIC, 2015;; Stone & Pettigrew, 2000). Each successive study indicates that aggregate disparities in stop and search figures show no improvements following reforms (HMIC, 2013). In addition to these studies, a recent review published by the UK Ministry of Justice found that BAME communities make up 14% of the population of England and Wales, but 25% of adult prisoners and 41% of under 18s in custody (The Lammy Review, 2017). Phillips (2011) argues that such long-observed ethnic disproportionality can be partially attributed to racialisation and discrimination by individual police officers on the streets. When the decisions to conduct stops and searches are carried out guided by stereotypes for little reason, are perceived to be unfair, or are poorly handled. This can have a profoundly negative effect on the public's perception (Stone & Pettigrew, 2000). It is, therefore, essential to improve our understanding of the processes by which police officers inform suspicion or anticipate wrong-doing and decide to conduct a stop and search (Quinton, 2011). As such, the present study is focussed upon the examination of whether police officers use stereotypes in day to day policing to inform suspicion. This study will also examine what other factors may influence the police officers' decisions to initiate a stop and search encounter.

2.3 Methods

The present study used a mixed methods approach. It consists of two phases: (i) an examination of 2,118 individual search records provided by an English police force; (ii) a thematic analysis of 20 semi-structured interviews, which were conducted with serving patrol officers of the same force. This sequential method was devised to first

determine what might be the possible factors which may lead an officer to stop and search encounter followed by the exploration and explanation of the findings from the search records analysis by conducting interviews with serving police officers. All study protocols and instruments were reviewed and approved by the De Montfort University and the University of Derby's Institutional Ethics Committee.

2.3.1 Phase 1: Data Collection and Procedures

Following the completion of the researcher's vetting procedure by the police force, a dataset was sent to the researcher via a secure email within an Excel spreadsheet containing a record of 2,118 searches. This dataset included information regarding who was searched, when, what powers were used to conduct a search, and on what grounds. The dataset also contained information concerning the gender, ethnicity, the age of the individual when s/he was searched, whether arrested or not and reasons for arrest (if the arrest was made following the search). The database was compiled from documentary records of searches which were conducted from the period of 1st July 2014 to 31st December 2014 covering the whole area of the police force.

The first stage involved the examination of these data in order to identify what factors might arouse officers' suspicions. Thus, 'grounds of search' were examined for each recorded search using thematic analysis (Braun & Clarke, 2006). As a result, eight common factors were identified by which officers inform suspicions about people and decide whether or not a formal stop and search is necessary (for details see results section phase 1). Following this, the dataset was coded on the basis of; (i) grounds of search; (ii) what powers were exercised by police officer; (iii) gender; (iv) age; (v) ethnicity; (vi)

whether arrest was made following a search; and (vii) reasons for arrest. The coded data were imported into SPSS software to conduct statistical analysis.

2.3.1 Phase 2: Participants and Procedures

Interviews can yield rich insights into peoples' experiences, opinions, attitudes and feelings (May, 1997). In the present study, the researcher employed semi-structured interviews that allowed the officers to develop and qualify their ideas. The open-ended nature of the questions allowed officers to discuss issues tangential to the questions asked and these diversions often proved informative and encouraged rapport. The researcher interviewed a range of police officers from each division of the police force, concentrating mainly on patrol officers. These interviews include a wide variety of ages, backgrounds, and lengths of service, in order to cover a variety of police tasks and experience. While may not be providing a complete picture, the data collected provides a valid insight into decision-making by the police officers as they conduct a stop and search and the contexts in which these decisions take place.

During September-December 2015 the researcher undertook interviews with 20 officers (17 of which were males). Responsibility for providing officers for interviews was designated by the police to one of the sergeants on duty. The sergeant had pre-selected police officers from all the divisions across the police force and provided a timetable for them to be interviewed. All the participants were frontline patrolling officers and had experience in conducting stops and searches. Their experience ranged from one to 22 years ($M=8.88$ years, $SD = 4.96$ years). Participants' ages ranged from 23 to 56 years ($M = 36.47$, $SD = 8.68$). The interviews were conducted in the most private available space in the police station. Each interview lasted approximately 40 minutes. The

researcher began all interviews by asking demographic information such as age, sex, self-defined ethnicity, rank, and length of time in the force. Each officer was asked the same standard set of questions, though where necessary, elaboration and clarification were provided.

The anonymity of all the participants was protected by numerically coding each interview and responses were kept confidential at all times. The officers' names and badge numbers were not taken to kept anonymity. The researcher also provided this information in letter form for officers to take away if they so wished. All the officers provided consent to record interviews. Furthermore, to protect the anonymity of participants, audacity software was used to change their voice. Following the interview, the researcher immediately transferred the voice recording to the password-protected laptop computer before leaving the police station, wiping the recording from DVR. Transcripts were prepared for each interview, and these formed the basis for examination and analysis of the data.

2.4 Analysis

In order to examine semi-structured interviews, the present research employed a thematic analysis of interview transcriptions. One of the benefits of thematic analysis is its theoretical freedom, and it can be either inductive (data-driven) (Boyatzis, 1998) or deductive (theory-driven) (Crabtree & Miller, 1999). Braun and Clarke (2006) assert that the thematic analysis differs from other qualitative analytical methods that try to find patterns in the data, for example, thematic discourse analysis (Potter & Wetherell, 1987), grounded theory (GT) (Glaser, 1992; Strauss & Corbin, 1998), and interpretative phenomenological analysis (IPA) (Smith & Osborn, 2003). Both IPA and GT seek

patterns in the data. According to Braun and Clarke (2006), IPA (Smith & Osborn, 2003) is concerned with the analysis of participants' experiences, this method is bound theoretically to phenomenology, whereas GT (Strauss & Corbin, 1998) used to analyse participants' experiences is not theoretically bound; rather, it aims to generate or develop a plausible theory of the phenomena this is grounded in the data. In contrast to GT and IPA, "thematic analysis is a method which is not wedded to any prior theoretical framework, as such it can be utilised within different theoretical frameworks, and to do different things within them" (Braun & Clarke, 2006, p.82). Given that the thematic analysis does not require the detailed theoretical knowledge of approaches such as IPA and GT, it can offer a more open form of analysis (Braun & Clarke, 2006).

The thematic analysis also gives a platform for the clear and straightforward definition of the theoretical position a study adopts in its approach to analysing its data (Braun & Clarke, 2006). The method of analysis chosen for the present study was inductive thematic analysis (data-driven) (Boyatzis, 1998). An inductive approach includes identifying themes that are strongly connected to the data themselves. Therefore, the inductive analysis is a procedure for coding the data without trying to fit it into a pre-existing coding frame (Boyatzis, 1998). In the present research, the codes were accordingly inductive, originating from the participants' theoretical and practical understandings concerning the stop and search practices (Miles & Huberman, 1994). By conducting inductive thematic analysis, the researcher was not only able to determine what constitutes effective stop and search encounter but also determined what factors influence officers' decision to stop and search. Accordingly, in the present research, the inductive analysis took a semantic or explicit approach (Boyatzis, 1998), that is, the themes were identified from the "explicit or surface meaning of data" (Braun & Clarke, 2006, p. 84).

The first step of the analysis included an initial reading of the interview transcriptions to gain familiarisation with the data. In the second reading, a line-by-line coding was undertaken to ascribe each sentence a code that described the main essence of the sentence. In the present research to code the data, the guidelines for conducting inductive thematic analysis developed by Braun and Clarke (2006) were followed. Firstly, all the data were coded, and codes were merged into larger units organising those that seemed similar in meaning content. This was followed by sorting the different codes into potential themes and collating all the relevant coded data extracts within the identified themes and sub-themes for each interview transcription. In the present research, a theme was defined as the smallest unit that in a meaningful way could express the codes that were included in it. From the individual summary sheets, an overall list of themes was constructed. Themes were refined and grouped into clusters to form following super-ordinate themes: (i) what constitutes effective stop and search encounter; (ii) basis for suspicion; (iii) use of stereotypes in stops and searches decision making; and (iv) possible factors playing a role in disproportionality.

2.5 Inter-rater Reliability

Following the coding process of interview transcripts, a PhD researcher (with an established knowledge of thematic analysis) coded a randomly selected half of the interview transcripts. This rater worked with clean copies of transcripts independently, having no knowledge of the researcher's coding results. The inter-rater reliability of identification of all of the themes was examined, finding a Cohen's kappa of .90 between the two sets of scores, indicating a strong strength of agreement (Fleiss, 1981).

2.6 Results

2.6.1 Phase 1 Results

The first stage involved the examination of the stop and search data to identify what factors were recorded having aroused officers' suspicions. As such, the 'grounds of search' were examined of each recorded search, which provided the information about the officers' origins of suspicion. As a result of thematic analysis of the stop and search records dataset, eight common factors (see Table 1) were found.

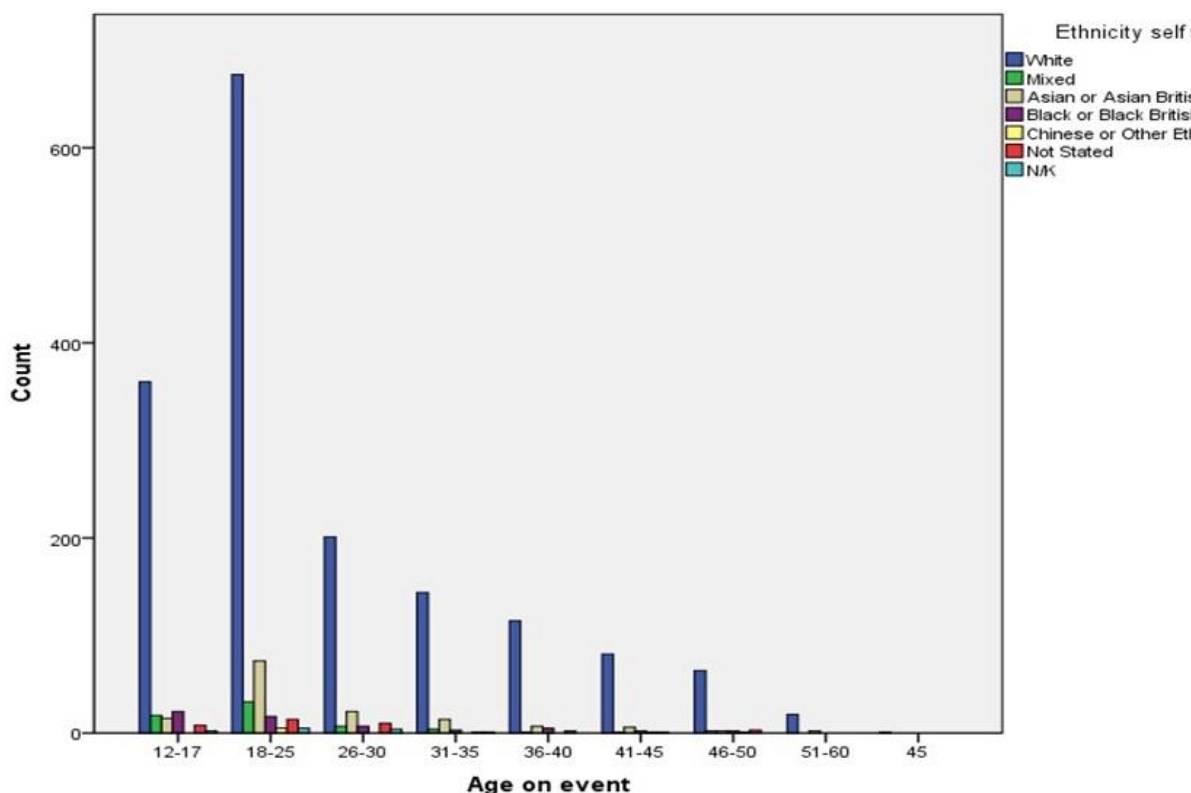
Table 2. 1 Grounds of searches reported by the police officers to inform suspicion

Grounds of searches	Number of searches	Percentage of total searches
Being previously known to the police	198	9.35
Being located in a known crime hotspot	169	7.9
Fitting a reported suspect's description	126	5.9
Suspicious activity	310	14.64
Drugs related suspicion	897	42.35
Reported or suspected of being in possession of an offensive weapon	88	4.1
Suspected of carrying stolen goods or going equipped	234	11.05
Responding to a reported incident	96	4.5

As a result of the 2,118 searches, 288 (13.6%) arrests were made. Where arrests took place, the dataset did not provide any subsequent details of the outcomes of these arrests (such as the number resulting in charges, cautions or no further action).

It was also found that nearly half (49.6%) of the searches were conducted with individuals aged between 18 to 30 years old – for individuals aged between 12 to 17 (20.3%), 31 to 40 (22.5%), and 41 to 70 (7.5%). Figure 1 (see the following page) shows that the individuals aged between 18 to 25 years old were the most searched age group.

Figure 2. 1 Age of the individuals at the time of the search



In order to determine whether a relationship exists between those belonging to Black, Asian, and Mixed ethnicity group and the greater rate of their being searched, a Chi-Square test of independence was performed, to obtain whether there is a statistically significant association between being (i) a member of Black, Asians and Mixed communities and (ii) being searched by police. Where the degree of freedom was one with $\alpha = 0.01$, the null hypothesis is that search rates are independent of race and the alternative hypothesis is that search rates are not independent of race. In order to perform a Chi-Square test, the number of searches carried out in [REDACTED] during July 2014 to December 2014, per ethnic group, was considered as a percentage of overall searches (see Table 2 below). This figure was compared with the census data for [REDACTED] (Office for National Statistics, 2011).

Table 2. 2 Total population of [REDACTED] per ethnic group and percentage searches per ethnic group

Self-defined ethnicity	Total Population	Percentage population	Overall searches	Percentage searches
White (British, Irish, another white background)	949845	93.2	1803	85.13
Black (Caribbean, African, another African background)	10090	.99	51	2.41
Asian (Indian, Pakistan, Bangladeshi, other Asian Background)	39890	3.92	154	7.27
Mixed (Mixed Black or white, or Asian, or another Mixed background)	14351	1.41	60	2.83
Others+ Chinese+ not stated	4262	0.42	50	2.36

Examining the results of Pearson Chi-Square test only, it was revealed the $P < 0.05$ indicating there is a relationship between belonging to the Black, Asian, and Mixed communities and the likelihood of their being searched. Table 3, shows the results of the Chi-Square tests

Table 2. 3 Results of Chi-Square tests examining a relationship between being search and belonging to BAME group

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	137.654 ^a	1	.000		
Continuity Correction ^b	136.607	1	.000		
Likelihood Ratio	108.982	1	.000		
Fisher's Exact Test				.000	.000
Linear-by-Linear Association	137.654	1	.000		
N of Valid Cases	1018438				

Table 4 shows that those belonging to Black, Asians, and Mixed communities were likely to be searched 2.12 times more compared to the rest of the population of the area covered by the Constabulary.

Table 2. 4 Risk estimate of being searched and belonging to BAME group

	Value	95% Confidence Interval	
		Lower	Upper
Odds Ratio for Ethnicity (BME / REST POP)	.470	.414	.535
For cohort Search = NO	.998	.997	.998
For cohort Search = Yes	2.121	1.865	2.412
N of Valid Cases	1018438		

2.6.2 Phase 2: Results of Thematic Analysis of Interview Transcripts

Thematic analysis of the twenty interview transcripts was conducted to identify themes emerging from the answers to questions and subsequent contributions made by officers. The findings are discussed and presented under these main themes:

- (i) What constitutes an effective stop and search encounter;
- (ii) The basis for suspicion;
- (iii) The use of stereotypes (generalisations) in stops and searches decision making;
- (iv) The possible factors playing any role in disproportionality.

An analytical narrative was constructed, and extracts from the transcripts are now presented to illustrate each of the above four themes.

2.6.2.1 What constitutes effective stop and search encounter

Participants were asked what is an effective stop and search encounter in the light of their experience. According to their views, a stop and search encounter is effective when it meets these criteria:

- a) *Definable suspicious behaviour.* Ninety percent of participants (n=18) reported that their decision to stop and search is more effective when based on definable suspicious behaviour, as outlined in the PACE Act (1984) Code A.
- b) *Guided by up-to-date operational intelligence* (e.g. focused on active and more serious offenders, local crime trends, and specific crime hotspots). Ninety percent of participants (n=18) reported up-to-date operational intelligence as their grounds for a stop and search encounter.
- c) *Carried out in a respectable manner.* All twenty participants reported that a stop and search encounter which is carried out respectably with a clear explanation of the reason for a stop and search would enhance public confidence.
- d) *Carried out in the context of police-community relations and cooperation.* Eighty-five percent of participants (n=17) reported that an effective stop and search encounter is one which is carried out in the context of police-community relations and cooperation.

2.6.2.2 Bases for suspicion - factors that make officers decide who to stop and search

Officers stated they generally stop and search someone whom they suspect of committing or being likely to commit a crime. In this regard, three factors were identified by the police officers as those that would arouse their suspicion and may lead to a stop

and search encounter. These factors are: (i) appearance; (ii) behaviour; and (iii) time and place. Each of these factors will now be examined.

Appearance

During the interviews, fifteen of participants (75%) stated that their suspicion might be prompted if a person appears young. For example, participant (20) stated it as,

“I would say its white males from 17 to 30-ish. I would say 99% are in that age group because they’re the ones that are committing, from where I work, the drug offences, the shoplifting offences. I mean, yes, you are going to go slightly above that age bracket, but there aren’t...it’s very far and few between that are above that. So, if it is above that age range, then I’d say it’s probably more shop theft than drug offences”.

Also, thirteen (65%) of these participants mentioned that individuals wearing a baseball cap or going ‘hooded-up’ or wearing two sets of dark clothes at night might also attract their attention. There was a sense among these participants that young people wearing dark clothes during the night could be trying to make them harder to see. For example, participant (09) described,

“I have had instances before where you have got youths, about 16, 17-year-olds that are wearing two sets of clothing one over the other, dark clothes, dead at night, the only reason why they are doing that is so they can discard that top clothing and having different clothing underneath”.

Another participant stated,

“Probably young white males, late...well, I say mid-teens to early twenties probably, yes, probably from 14, 15 upwards to around, yes, early twenties are predominately the main ones”.

Twelve of the participants (60%) stated that they would stop and search an individual who is previously known to the police if they located him in a crime hotspot. For example, participant (17) stated,

“I probably would stop him, very likely to stop him. If it’s a drug hotspot, then it gives me more grounds to actually go and speak to the person and also carry out a search to see whether that person is actually carrying...because if he’s known to me to carry drugs previously, then that gives me reasonable grounds to actually stop and search him to see whether he is actually carrying any substance or drugs”.

Another participant (04) stated that,

“I’d stop and speak to them at the very least, yes, and want to know why they are where they are and then again take it from there really and see how they are with it. If they give you a story as to why they are there, but at the same time appear nervous, or they cannot keep eye contact with you, you know, just sometimes you think this doesn’t seem quite right, you know, what is he doing here? He does not live around here. There is no purpose for him being here then, yes, I probably would search him”.

However, in contrast, for remaining eight participants (40%), simply being known to the police was not a good enough reason for them to stop and search an individual. These participants indicated that they would need reasonable suspicion to act at that moment such as observed offending or fresh and up-to-date intelligence. For example, participant (15) described,

“Previously known to me or police would not make any difference to me, just because they are known, and they are on a crime hotspot that would not be enough for me to have reasonable grounds to suspect. I would need more information than that”.

Behaviour

During the interviews, fourteen of the participants (70%) stated that the behaviour of an individual is the primary reason in their decision making to stop and search someone. For instance, one participant stated,

“I would have to look, if it’s a high crime area looking at the intelligence we have had if there’s been a lot of burglaries, what sort of clothing they are wearing at that time of night, if it’s black they have got gloves on and its summer. I would be looking for stuff that’s out of character to what you would class as, I would say normal, but it’s not I suppose the correct word, but the average person would be doing at that time of night at that time at that place”.

These participants stated that they might stop and search people who are seen ‘loitering’ ‘looking into cars’, ‘looking into gardens’, or ‘checking locks’. For example, participant (11) stated it as,

“Well, if they are like going up and down people’s driveways at that time in the morning or they are looking in people’s cars, they are looking in car windows, or they are going along trying car door handles and that sort of thing to me that’s suspicious. There’s no other reason why they are doing that rather than to find an opportunity to either try and steal something from within or look”.

Participants also referred ‘suspicious behaviour’ as ‘furtive’ or ‘elusive’ behaviour and described it in a number of ways such as; (i) avoiding being seen (hiding face, looking away, driving off); (ii) running away on seeing officers; and (iii) attempting to hide objects in the surrounding area or throwing away something. For instance, participant (19) stated,

“If I was to see somebody loitering, looking like they were doing something, and they were hiding something as they see me approach, you know, then that could arouse my suspicions. Turning their back towards me could arouse my suspicions”.

Another, participant (04) stated,

“It bears nothing on who gets stopped. If somebody is looking suspicious it makes no difference whether they are black, white, Asian, Chinese or whatever, you know. It’s merely the person, the circumstances rather than what ethnicity they are or sex or whatever. If anybody that will be acting in a suspicious manner is equally.... could arouse my suspicions”.

However, six of the participants (30%) stated that ‘suspicious behaviour’ as ‘furtive’ or ‘elusive’ behaviour is irrelevant in their decision to stop and search someone. For instance, participant (07) stated,

“If you looked away why would I consider that to be suspicious because you may not like police, you know, you may be looking round to catch the bus. If I am walking towards you in uniform, for example, you could be looking around for a bus; I would not say that’s suspicious. I would not stop someone on such basis”.

Ten of the participants (50%) stated that ‘stop and search form’ is too small and do not permit them to describe full details of the ‘suspicious behaviour’ and explain all the background behind the stop and search encounter. For instance, participant (05) stated it as,

“Part of our issue is we have a very small form to write the details on. We have a very small thing to write that on, and we send that off to our supervisor who signs it, who then sends it off to an administrator who puts the details onto the computer system. How it used to happen was we would put the details on the computer system, but you have only got a box really small to fill it out, so when we put it on the computer system we really

ought to explain all the background behind it, you know, what have we seen. But, when you have got two lines, you can literally write seen acting suspiciously”.

Time and Place

Fifteen of the participants (75%) stated that the time and place in their decision making with respect to stop and search was either of medium or high priority. These participants relied on their knowledge of a particular location and what activities should or should not be expected thereafter a particular time to form a suspicion. For instance, participant (13) stated,

“It’s a, like you say, notorious place in the city that it’s just known for drug use or drug possession, somebody’s there, three o’clock in the morning on their own to me, yes, I have got reasonable suspicion that you may have something on you and to me I would search you”.

Another participant (15) stated

“I think if it was somebody that was known and they were not near to their home address at three o’clock in the morning I think they would be at the very least asked to account for why they were where they were because you and I would not be found a mile and a half from our home address at three in the morning walking the streets, why are you here? At the very least whether or not they’ll be searched or not, they’ll be asked to say what you are doing here, you know”.

However, for 25% of participants’ (n=5) time and place were irrelevant in their decision making to stop and search someone and whether or not they informed suspicion. For instance, participant (10) stated,

“No, not because of a particular time or location, because he is not doing anything, you know, unfortunately, people do walk around...you know, in my area where I work that’s a little strange because don’t find people walking around at three o’clock in the morning, on those circumstances I would not feel comfortable to search him. It’s quite difficult because I tend to find reasonable suspicion to be quite a high threshold test”.

2.6.2.3 Use of stereotypes in stop and search decision making

According to the PACE Codes of Practice (1984), the decision to stop and search must be based on objective information relating to a specific individual suspected of involvement in a specific offence at a specific time. In other words, that decision cannot be based on a generalised belief that a particular group of people are more likely to be involved in crime. Thirteen of the participants (65%) stated a number of stereotypes they use when making a decision who to stop and search such as dress, age, unemployed, and being located on crime hotspot. For example, participant (19) described,

“They are usually the ones that really...because they are the ones that will come in, or they are the ones that will try and float it a bit because they have got this sort of mentality that they can get away with anything. The older you get, the more, sort of, cautious you are being and stuff like that. So, yes, I would say 16 to 20.”

Another participant (02) described it as,

“So, for me, the main people that I would be looking and doing stop searching out at night are going to probably be white, the early twenties, early thirties, unemployed, usually people of substance abuse that are out stealing for a reason, to fund their other problems in life.”

Furthermore, another participant (12) stated it as,

“In relation to unemployed if you are looking at people that are, sort of, career criminals, the ones that are known to us, the ones that may potentially be stopped more often because they are out there, let’s say a known burglar chances are they will be unemployed because burglarising is their job. So, you may say potentially that you are stopping more unemployed people”.

2.6.2.4 Possible factors playing a role in disproportionality

Suspect descriptions, usually come from information from the general public, witnesses or victims and are either passed directly to patrolling officers or more widely through police command and control systems. During the interviews, 60% of the participants (n=12) indicated that a description of a suspected offender should not be treated as a straightforward form of information. More importantly, four participants stated that poor or vaguely described information about an offender’s description could be attributed to the possible causes of disproportionality, as suspected offenders’ descriptions mainly focused on ethnicity and clothing. For instance, participant (11) stated it as,

“Well, I think from my own experience I could probably count the number of black people I have searched on one hand, from my own experience. I act on the information that I am given, and I do not care whether black, white, Asian, whatever, if that person matches the description that’s passed to me on the radio of a crime that’s just happened then I will search if I have got the grounds, you know. If I have seen the person acting suspiciously and by grounds then, yes, I don’t care what colour they are. I don’t know why you know”.

Another participant (07) stated,

“Yes, it’s a very, very, very white area and so, for example, if I have a report where they say a Black male has burgled a property or a Black male has drugs on him and I, for example, two minutes later find a Black person around the corner I am going to search that Black person and I’ll tell him why he’s being searched and what have you. Whereas, obviously if it’s a white person and that’s all I have got it’s more difficult for me to pinpoint the white person, and it’s almost like a...whether it’s right or wrong it’s almost like scale, the scale of the population if you know what I mean in the area, so...”.

Furthermore, another participant (18) described it as,

“If it was they reported it was a large white male and I drive past three large white males I am less likely to stop those three large white males before I get to the home address. If I see a large Black male, they have reported a large Black male, and it’s the only one I see I am likely to stop him purely just to stop encounter we used to call it to talk to while someone goes and gets the details at the address. That might be why they are disproportionately stopped, particularly if they are in sort of predominantly white areas”.

Twelve participants (60%) stated that they would not target people from ethnic minorities. However, one participant (20) stated that Black ethnic minorities are perceived to be involved in drug use and drug dealing, suggesting, however, such a notion did inform his judgment and decision-making. He described it as,

“I would suggest that predominantly drug use and drug dealing is part of the Black minority. It’s just how...it’s how it’s perceived in society, I think, that’s my honest opinion as for how it’s perceived in society, and that’s me, that’s what I think. I would say so, yes, because like I say it’s predominantly Black ethnic minorities that will be drug dealers. That’s my opinion

because that's how it's perceived and that's how it's shown to you. I think that just gets into your mind. It gets into other people's minds as well''.

2.7 Discussion

The present study sought to examine whether police officers use stereotypes to inform suspicions when conducting stop and searches and what factors may influence the officers' decisions to initiate a stop and search encounter. The analyses of recorded stop and search dataset revealed that stop and search powers are disproportionality weighted against Black, Asian and Mixed communities. The analyses of interview transcripts revealed that people's age, appearance, location, and their employment status play a role when officers make decisions who to stop and search. These findings suggest the relationship between a specific stereotype (i.e. young people on the street as potential criminals) and the formation of suspicion (being seen in a particular location at the particular time). However, it was also found that one-fourth of the participants indicated that they would need reasonable suspicion to act at that moment such as observed offending or fresh and up-to-date intelligence rather than relying on stereotypes based on someone's age, employment status, or location. This implies that among these officers' reasonable suspicion requires a high threshold test, which is also in line with the PACE legislation.

Nevertheless, in instances where officers heavily relied on stereotypes to inform suspicions, they appeared to be using the powers in ways that could be deemed unlawful and discriminatory. According to PACE (Code of Practice A, 1984), individual officers and their supervisors are legally obliged to base their decision to stop and search on reasonable suspicion that the concerned individual has committed or is about to commit,

a particular offence. Hence, it is unlawful to target people on the basis of officers' generalised beliefs. While stereotypes which link crime with age, location, time, and appearance may sometimes provide useful grounds to stop someone, there is a potential risk that people will also be identified by the police as suspicious when they do not warrant such police attention. This can be a major cause of public resentment (Quinton, 2011).

One-quarter of police officers indicated that suspicious behaviour or elusive behaviour is irrelevant in their decision to stop and search someone. These officers reported that they would need a reasonable suspicion such as observed offending to initiate a stop, rather than perceived suspicious behaviour. This suggests that these officers are making decisions to inform suspicions as outlined in the PACE Act. Conversely, the suspicious behaviour was used by the majority of officers' (i.e. up to 75%) as grounds to conduct stop and searches. More than two-thirds of the officers described suspicious behaviour in a number of different ways (e.g. running away or hiding their face after seeing officers). Once an officer developed cues of suspicion on the basis of 'schemas' about actions or people they do not believe fit the environment or situation, he or she may act on them and stop the individual. While in many circumstances such cues may well be reasonable, they are often tied to the issues of ethnicity (Alpert et al., 2005). As such, the suspicion developed from a cognitive schema may be a supposition and not necessarily tied to the actual behaviours or actions of people.

Further, it was found that the recorded grounds for stop and search were lacking in detail, potentially failing to refer to all the available direct and indirect evidence. For instance, more than 75% of police officers mentioned the place, time, or age as grounds of search during interviews, but these are only cited in nine percent of grounds of searches

in the dataset. Similarly, during research interviews, 75% of police officers mentioned suspicious behaviour as grounds of search, but this is only cited in fifteen percent of the grounds of searches in the dataset. This suggests that the searches conducted were based either on insufficient grounds (where grounds are limited and questionable in legal terms) or alternatively there is a tendency to record fewer grounds details than were actually present at the time (which indicates that an inadequate explanation of the reasons for a search is being recorded). More than half of the officers highlighted that the stop and search form is too small in size and does not allow them adequate space to fully detail the grounds for the search. However, officers did not offer solutions, such as turning the form over to record full details on its other (blank) side (or to enter such information in their pocketbooks). Failure to record specific details and refer to all the available direct and indirect evidence poses risks to legality (PACE Code A, 1984) and the effectiveness of searches and, in turn, to public confidence (Quinton et al., 2000).

Officers also relied on their knowledge of specific locations (what activities should or should not be expected thereafter a particular time of day) to form a suspicion. Officers' perceptions about crime hotspots may lead them to believe that people in that particular area are engaged in criminal activity, which may pose a threat to police-community relations (Weisburd et al., 2011). By deploying police resources in hotspot areas, criminal activity can be disrupted to a certain extent. However, such deployments may affect how police officers interact with the members of that area, threatening police-community relations and thus the effectiveness of community policing strategies (Quinton, 2011). By continuously reminding the officers at daily briefings that hotspot policing must not affect how they behave and interact with the members of that particular area may well help to reduce negative stop and searches.

One of the interesting and novel findings of the present study was police officers' perceptions concerning the association between the issue of disproportionality and the description of a reported offender. Officers highlighted that the issue of disproportionality might be related to insufficient and inaccurate information concerning the description of a reported offender because such provided details mainly focused on ethnicity and clothing. The majority of the officers suggested that they felt a need to clarify the necessary elements of a description of 'suspected offender' for operational use. A description fitting that of a reported offender can inform direct evidence (Quinton, 2011). However, if the suspected offender's description is vague or inaccurate or has come from an unreliable source, suspicions may be based on tenuous grounds (which may result in the stop and search of innocent people) (Bowling & Phillips, 2007). For example, when there is insufficient and inaccurate information concerning the description of a reported offender which mainly focused on ethnicity and clothing combined with an officer's pre-existing cues of suspicion on the basis of generalised beliefs, this may arguably result in people being stopped and searched on the basis of their social class and ethnicity.

2.8 Limitations and Future Directions

The procedure for recruiting the sample of police officers to conduct interviews may not be ideal, but given the general difficulties in access and the demands of police work, this was unavoidable. Nevertheless, the interviews were conducted with police officers from all the divisions across the police force. While the findings may not provide a complete picture, they may provide a useful insight into decision-making by police officers as they conduct stop and search, and the contexts in which these decisions take place. The findings may also be affected by the researcher's unconscious biases either

against the police or other ethnicities. However, the strong level of inter-rater agreement was found which suggests that such biases were not evident (James et al., 1984). Police officers' responses during interviews may have been affected by their training and their awareness regarding the politically sensitive issue of disproportionality in stop and search figures. Their responses might also be affected by 'impression management', which is a result of a conscious effort to create a favourable impression (Schoderbek & Deshpande, 1996) or social desirability (Zerbe & Paulhus, 1987). However, excerpts from the interviews presented here suggest this may not have been the case. Officers highlighted that disproportionality might be related to insufficient and inaccurate information concerning the description of a reported offender. Recognising the importance of accurate and reliable information concerning the description of a reported offender, future studies should be conducted to examine whether vague or inaccurate descriptions of a reported person play a role in disproportionality in stop and search figures.

2.9 Conclusions

It was found that officers rely on certain types of stereotypes to inform suspicion about people to justify a stop and search. The use of such stereotypes by the police officers is, undoubtedly, of a concern, because this may lead police officers to believe that people from a particular area or a certain ethnicity are engaged in a particular criminal activity, which may pose a threat to police-community relations (Weisburd et al., 2011). This is despite the initiatives taken by the Home Office (for example, the creation of the Home Office Stop and Search Action Team, 2004) to remedy this situation (Bowling, 2018; Bowling & Phillips, 2007). The findings of the present study suggest that there is still a

long way to go in ensuring fairness and reducing disproportionality in stop and search practices.

The following chapter will follow up on these findings within the context of investigative interviewing by determining how such stereotypes may influence the investigative interviews with suspects from certain stigmatised communities.

Chapter 3 Developing a Scale to Measure the Presence of Possible Prejudicial Stereotyping in Police Interviews with Suspects

3.1 Introduction

Following on from the previous chapter, in which it was found that police officers rely on certain types of stereotypes to inform suspicion about people, the present research examines how such stereotypes may influence investigative interviewing practices. One of the most prominent findings from earlier research on police interviewing of suspects is that police interviewers presumed the suspect to be guilty, even before the interview was conducted (Baldwin, 1992; Mortimer & Shepherd, 1999; Moston, Stephenson, &

Williamson, 1992). Research conducted concerning confirmation bias provides an insight into the effect that holding a presumption of guilt could have on interviews of suspects (Hill, Memon, & McGeorge, 2008; Kassin, Goldstein, & Savitsky, 2003). Research has also examined the effect of confirmation bias on the hypothesis testing process in social interaction (e.g., Charman, Kavetski, & Mueller, 2017; Hill et al., 2008; Kassin et al. 2003; Synder & Swan, 1978; Trope, Bassok, & Alon, 1984). For example, Hill et al. (2008) found that the assumption of guilt can indeed have effects both on questioning styles employed by interviewers as well as the emergence of a self-fulfilling prophecy. A self-fulfilling prophecy is a belief that has consequences of a particular kind, namely making 'reality' conforms to the initial belief (Merton, 2016). This can happen when the interviewer fails to understand how his/her own belief has helped him/her to construct a false reality (Biggs, 2009).

3.2 The Present Study

The role of prejudicial stereotyping in the context of police interviews with suspects has received negligible attention in England and Wales. As far as it is known, no research has been conducted to examine the influence of prejudicial stereotyping on investigative interviewing concerning the suspects from stigmatised communities. To fill this gap in research within the context of investigative interviewing, the main aim of the present study is, therefore, to

- Develop an instrument to measure the presence of possible prejudicial stereotyping in investigative interviews.

Additionally, the present study will also

- Identify the factors that may lead an interviewer to display prejudicial stereotyping in investigative interviews towards suspects from certain groups,
- Examine whether the presumption of guilt affects the questioning style and leads to the emergence of a self-fulfilling prophecy.

3.3 Measuring Attitudes

Information concerning attitudes can be gathered either: (i) through observing people and/or (ii) by asking participants what they believe (Dwyer, 1993). As indicated by Anderson (1981), data gathered about attitudes is either through observational methods and/or through self-report methods. An overview of observational and self-report methods of attitude assessment and advantages and problems inherent each type is presented below.

3.3.1 Observational Methods

Research conducted to assess attitudes using observational methods has suggested that techniques used to assess attitudes are based on the assumption that there is a close relationship between physiological responses and affective states (Moser, & Kalton, 2017). Previous research has suggested that autonomic responses might function as valid indicators of strong attitude but might be insensitive to lesser attitudinal reactions (Dwyer, 1993; Mueller, 1970; Porier & Lott, 1967; Westie & DeFleur, 1959; Woodmansee, 1970). However, researchers have noted that the ability to determine the directionality of a response through the analysis of physiological reactions is extremely limited (Dwyer, 1993).

Anderson (1981) contended that using observational methods for acquiring data concerning attitudes is based on the assumption that it is possible to deduce attitudes from the observation of overt behaviour or physiological responses. Three noteworthy issues are reportedly inherent in observational research methodology; (i) the issue of incorrectly gathering affective characteristics from overt behaviour; (ii) the issue of determining which behaviours to observe and how to precisely record those behaviours; and (iii) the issue of misjudging the behaviour noted by the observer (Dwyer, 1993).

Anderson (1981) proposed potential solutions for these issues. For the first issue related to making inferences, Anderson recommended that correct inferences are more likely to be made if multiple observations are made of the same behaviour in a variety of settings or over time in the same setting. As to the second issue (i.e., observing relevant behaviours), he recommended that appropriate inferences can be made if the affective characteristics are clearly defined at the start and care is taken to observe only those clearly defined behaviours in an appropriate context. For the third issue, that of misinterpreting behaviours, he proposed utilising more than one carefully trained observer in a similar setting to minimize misinterpretations (errors). Dwyer (1993) and Moser and Kalton (2017) argue that by applying these steps, any concerns in observational research methodology can be mitigated.

3.3.2 Self-Report Methods

Self-report methods of attitude assessment usually involve a series of questions, adjectives, or statements about an attitudinal object. Respondents are asked to read and react to each question, adjective, or statement about an attitudinal object regarding degrees of agreement or disagreement (Moser, & Kalton, 2017). Responses are then

scored regarding positiveness towards the attitudinal object. In some instances, responses are summed to attain a total score (Dwyer, 1993).

The major difficulty related to self-report methods of attitude assessment is that subjects may provide misinformation to the researcher (Denzin, 2017). Anderson (1981) argued that misinformation is sometimes supplied to the researcher when individuals respond to a question, statement, or adjective in a way they think will be socially acceptable to the researcher or when they respond in an acquiescent manner rather than providing their feelings. Acquiescence, in this occurrence, refers to the tendency of an individual to agree with a question, statement, or adjective when they are unsure of their response (Denzin, 2017). To lessen the issue of misinformation, Thurstone and Chave (1929, p. 10) recommended that researchers should minimise as far as possible the conditions that may be “preventing people from telling the truth, or else to adjust their interpretation accordingly.”

3.4 Major Techniques to Construct Attitude Scales

Scaling refers to various procedures of measuring or ordering entities to quantify attributes or traits (Denzin, 2017; Manheim, 1977). Essentially, most of the techniques of scaling have been developed since the late 1920s in connection with research concerning attitudes (Manheim, 1977). The four major types of attitude scales described in the literature are; (i) Thurstone scales (Thurstone & Chave, 1929); (ii) Likert scales (Likert, 1932); (iii) Semantic Differential scales (Osgood, Suci, & Tannenbaum, 1957); and (iv) Guttman scales (Guttman, 1944). An overview of each of these four attitude measurement types is now presented below.

3.4.1 Thurstone Scales

Thurstone and Chave (1929) developed the method of equal appearing intervals for assessing attitudes. According to Thurstone and Chave (1929, p.554), “the essential characteristic of the method of equal-appearing intervals is the series of evenly graduated opinions so arranged that equal steps or intervals on the scale seem to most people to represent equally noticeable shifts in attitude.” Using the technique of equal-appearing intervals created by Thurstone and Chave (1929), perceptions about an attitudinal object can be gathered from nominated samples and the related academic literature. The collected opinion statements about the object of focus can then be edited. The editing procedure attempts to select statements covering the broadest possible range from the most intensely negative to the most intensely positive attitudes toward the object. The carefully chosen items are each printed on a separate slip of paper and participants are given a copy of each item (Denzin, 2017; Dwyer, 1993).

The participants are asked to sort the items into eleven piles representing an equally graduated series of attitudes from extremely negative (pile 1) through extremely positive (pile 11) toward the attitudinal object. Subsequently, data are tabulated to show how each subject placed every one of the statements. Finally, the average of those selected statements would be calculated to determine the individual’s attitude. Issues with creating Thurstone scales include: (i) it can be time-consuming and costly; (ii) examples for the mid-points of the scale for which there is a consensus among the participants (judges) can be challenging to obtain; and (iii) different participants can gain exactly the same score from agreeing with different items (Latham, Fay, & Saari, 1979).

3.4.2 Likert Scales

Likert scales are a well-known technique for assessing attitudes (Burns & Grove, 1997; Crano & Brewer, 1973; Joshi, Kale, Chandel, & Pal, 2015; Oppenheim, 1966). The Likert method of scale construction is less laborious than the Thurstone technique (Burns & Grove, 1997). Further, research has suggested that it is the most efficient and effective method of developing highly reliable scales (e.g., Crano & Brewer, 1973; Dwyer, 1993; Joshi et al., 2015).

The Likert Scale was developed by Rensis Likert (1932). The primary concern for such a scale was, to the point that it measures a unidimensional construct all items should measure the same thing. Edwards (1957) and Selltiz, Wrightsman, and Cook (1976) referred to the Likert scaling technique as the method of summated ratings because the aggregate score for each participant is gained by summing their reaction to each item. The summated score, therefore, represents the degree of favourable or unfavourable attitude toward the object under consideration.

Likert-type scales use fixed choice response formats and are intended to assess attitudes or perceptions (Bowling, 1997; Burns, & Grove, 1997; Joshi et al., 2015). These ordinal scales measure levels of agreement or disagreement. A Likert-type scale expects that the quality or intensity of the experience is linear (i.e., on a continuum from strongly agree to disagree strongly, and makes the supposition that attitudes can be assessed/measured). Respondents may be offered a choice of five to seven (or even nine) pre-coded responses with the neutral point being 'neither agree nor disagree.' In its final form, the Likert Scale is a scale which is used to let the individual express how much they agree or disagree with a specific statement (Dwyer, 1993).

However, Likert scales are limited by the presumption that all items in the given survey (questionnaire) have an equal level of difficulty (Uhlaner, 2005). Consequently, the true attitudes of respondents might not be assessed accurately. It is not unlikely that respondents' answers will be influenced by previous questions or will focus on one response side (agree or disagree). Frequently, respondents abstain choosing the 'extremes' options on the scale, because of the negative implications involved with 'extremists', regardless of the possibility as to whether an extreme choice would be the most valid. As such, the validity of the Likert scale attitude measurement can also be compromised due to social desirability (Fisher, 1993).

3.4.3 Semantic Differential (SD) Scales

The semantic differential technique was presented by Osgood, Suci, and Tannenbaum (1957) for measuring attitudes. This technique is adjective based and gathers responses of participants to pairs of bipolar adjectives with implications as almost opposite as possible (Osgood, 1952). For example, good-bad, happy-sad, etc..The semantic differential (SD) scale measures the directionality of response and also the strength of reaction (Osgood & Suci, 1955). Heise (1967) reported that ratings on SD scales tend to involve around three fundamental measurements of a response representing that vast majority of the covariance in ratings. These measurements of a response include; (i) evaluation (E); (ii) potency (P); and (iii) activity (A). SD scales generally contain adjectives from all three dimensions. For example, EPA types might include; (i) Evaluation – good or bad; (ii) Potency – hard or soft; and (iii) Activity – fast or slow. Lists of evaluative adjective pairs are included in a text by Osgood et al. (1957).

DeVellis (2016) argues that both theory and empiricism support the adoption of the semantic differential scale as it has particular advantages over other measurement techniques. However, to benefit from its potential as an accurate measurement technique, researchers in fields such as information systems, marketing, and behavioural sciences ought to recognise that the semantic differential depends intensely upon the adequate use of linguistics in general and of bipolarity in specifically (Verhagen, Hooff, B.van, & Meents, 2015). As general scale validation guidelines do not address these issues (MacKenzie, Podsakoff, & Podsakoff, 2011; Straub, Boudreau, & Gefen, 2004), Verhagen et al. (2015) proposed to synthesise established scale validation and semantic requirements in a framework of suggested action for semantic differential development and usage. The semantic differential scale requires respondents that are intelligent and cooperative. It requires respondents with a good knowledge of the language, who are prepared and able to make fine distinctions (Fisher, 1993). This may make it inappropriate for children or vulnerable adults unless introduced in a simplified form (Bradley & Lang, 1994).

3.4.4 Guttman Scales

An alternative to the Thurstone, Likert, and Semantic Differential scales is a Guttman (named after Louis Guttman) or ‘cumulative’ scale. In a Guttman scale, responses to items are dependent on the amount of an underlying construct. The items on such a scale measure only a single dimension, and thus if the individual agrees with a given item he or she should also agree with all other items that represent it, from least extreme to most extreme attitude (Guttman, 1954; Manheim, 1977). An important property of a Guttman scale is that a person’s entire set of responses to all items can be

anticipated from the ‘cumulative’ score because the model is deterministic (Andrich, 1985; Moser, & Kalton, 2017). For example, a person scoring a ‘3’ on a five-item scale, could have agreed with items 1-3 and disagree with items 4 to 5. Guttman scales are characterised by the ‘implicational’ or ‘scalable’ nature of their items. That is, the tasks that can be completed when component subtasks are completed in a certain order, are then considered implicational (Gothwal et al., 2009). According to Crano and Brewer (1973), in constructing a Guttman scale statements appearing to have the following characteristics are written or selected:

- a. Statements have common content
- b. Statements are ordered along a continuum from least positive to most positive
- c. Agreement with a given statement implies agreement with every other less positive statement.

Given an instrument with statements about an attitudinal object meeting the criteria described above, participants are then instructed to check each statement with which they agree. When a subject agrees with an attitude statement, the subject receives a score of ‘1’ for the item, and if he/she disagrees with the attitude statement, he/she receives a score of ‘0’ for the item. The final score obtained from Guttman scaling is equivalent to the highest item the respondent has answered. From this final score, one can summarise all other items that the participant has answered. Under these conditions, the scale is said to be fully implicational (Moser, & Kalton, 2017).

3.5 Methods

To access investigative interviewers’ possible prejudicial stereotyping towards suspects, in the present study, the researcher developed the Minhas Investigative Interviewing Prejudicial Stereotyping Scale (MIIPSS). For the development of the

MIIPSS, the Guttman's principle was applied to sequentially identify the factors that allow for the development of the scale, which in turn assesses if the interviewers possess any negative attitudes towards suspects.

3.5.1 Rationale for Using the Guttman Analysis to Develop the MIIPSS

The Guttman scalogram analysis is considered a suitable technique to assess the unidimensionality of the MIIPSS, which is also seen as an essential part of construct validity (Ekinici & Riley, 1999). In the MIIPSS unidimensionality (i.e., cumulateness) refers to the strength of an interviewer's negative perceptions about a suspect. According to Gerbing and Anderson (1988) the exploratory factor analysis is not suitable for confirming unidimensionality. Fundamentally, factor analysis depends on a linear correlation and is consequently a type of probability modelling. The key assumption is that if there is a linear relationship between the scale items - it is considered to be unidimensional (Moser, & Kalton, 2017). Nevertheless, a linear relationship, in some cases, indicates homogeneity instead of unidimensionality (Hattie, 1985). A Guttman scale is a deterministic form of modelling that provides two unique parameters for establishing unidimensionality in contrast to probability modelling. As such, a scale has to be ordinal and cumulative (Yoon & Ekinici, 2003). Because the Guttman scalogram analysis requires an ordinal and cumulative structure, therefore unidimensionality is established by checking the response patterns in the data (Oppenheim, 1966). The rationale for developing the MIIPSS is based on the possibility that if police interviewers' have negative perceptions about suspects based on their group membership that, in turn, can lead to a coercive form of interviewing.

3.5.2 MIIPSS Hypothesis

To develop the MIIPSS, it is hypothesised that interviewers' attitudes towards a member of a group are based on perceived positive and negative aspects of that group (Fishbein & Ajzen, 1974). It is further hypothesised that if the interviewer holds negative attitudes towards the suspect, this could lead to judging the suspect by that perceived negative aspect (such as members of a particular ethnic group are drug dealers or involved in knife crimes, or the community in a particular area is troublesome). There is a possibility this may lead to the interviewer to presume the suspect guilty even before the interview is conducted. Once the interviewer has presumed the suspect guilty, the interviewer's expectations of guilt may lead to the interviewer to a self-fulfilling prophecy. His or her expectations of guilt would result in both seeking information that confirms an existing belief, while not seeking, and even avoiding, information that disconfirms the belief (Hill et al., 2008; Kassin et al., 2003). Both Hill et al. (2008) and Kassin et al. (2003) found that stereotyping affected questioning styles, which can lead to a coercive form of interviewing.

3.5.3 Constructs and Context Articulation

Table 1 depicts five essential constructs ordered by increasing negativity in attitudes that inform the MIIPSS. These five constructs include; (i) influencing perceptions; (ii) use of schemas; (iii) guilt presumption; (iv) self-fulfilling prophecy; and (v) hostile approach. These constructs have emerged from the researcher's search of the previous literature on investigative interviewing, being found (or argued) to be the major causes of investigative interviewing failures. These five constructs will now be each examined in turn.

	Influencing perceptions	Use of schemas	Guilt presumption	Self-fulfilling prophecy	Hostile approach
Milne & Bull, 1999	✓	✓	✓	✓	✓
Holmberg & Christianson, 2002	✓			✓	✓
Shepherd & Milne, 1999	✓	✓	✓	✓	
Hill, Memon & McGeorge, 2008	✓	✓	✓	✓	
Walsh & Bull, 2011	✓		✓		✓
Cherryman, Bull, & Vrij, 2000				✓	✓
Baldwin, 1992			✓		✓
Hurren, Kebbell, & Mazerolle, 2006	✓	✓		✓	✓
Kassin, Goldstein, & Savitsky, 2003	✓	✓	✓	✓	✓
Oxburgh, 2011	✓		✓		✓
Clarke & Milne, 2001				✓	✓
Walsh & Milne, 2007				✓	
Shawyer & Milne, 2009	✓				✓
Mortimer & Shepherd, 1999		✓	✓	✓	
Gudjonsson, 2003	✓	✓			
Irving, 1980			✓	✓	✓
Bull & Cherryman, 1996					✓
Pearse & Gudjonsson, 1996		✓		✓	
Shepherd, 1991; 1993	✓	✓	✓	✓	✓
Williamson, 1993; 2006				✓	✓
Cherryman & Bull, 2001	✓				✓
Stockdale, 1993			✓	✓	✓

Table 3. 1 Emergence of MIIPSS constructs from previous research studies on investigative interviewing

3.5.3.1. Influencing perceptions

Perception is the process by which a person or group selects, organises, and interprets information based on their socialisation process and experiences (Brown & Hewstone, 2005). Stephen and Stephen (1985) found that interactions between members of different groups can sometimes be anxiety-provoking affairs. They suggested that this could be due to the pre-existing conflict between the protagonists or merely through tensions born out of ignorance, embarrassment, or misperception. The encounters between members of different groups become breeding grounds for the growth of stereotypical judgments. Those who see a certain group most stereotypically may well be more anxious over any contact (Brown & Hewstone, 2005). In his classic experiment, Dijkster (1987) found that the anticipation of Dutch participants in meetings with ethnic minority groups was associated with feelings of anxiety and irritation. A police interviewer's attitude towards a member of a certain group is in part based on the perceived positive and negative aspects of the group. Accordingly, if the interviewer perceived more positive aspects of the group, the more positive his/her attitude will be towards a suspect within that group, but if he/she perceived more negative aspects of the group, the more negative his/her attitude will be towards a suspect within that group (Fishbein & Ajzen, 1974). As such, police interviewers' attitudes towards suspects may be based on perceived positive or negative aspects of the group.

According to MIIPSS, an interview will be considered as affected by the interviewer's negative *perceptions* if the research participants identify one or more of the following indicators during the interview; (i) the interviewer's perceived attitudes

towards him/her were negative; (ii) there was a lack of empathy; and (iii) there was an absence of good relationship (or rapport) between the suspect and the interviewer.

3.5.3.2. Use of schemas

By holding certain beliefs about certain group members, schemas may cause people to interpret situations incorrectly (Barlett, 1932). Schemas prevent people from seeing the world as it is and inhibit them from taking in new information by systematically influencing perceptions, interpretations, and judgements (Hoffman & Hurst, 1990). One of the primary functions of schemas is to act as mental shortcuts (Venema, 2016). The potential abuse of schemas can be blatant and obvious, such as when one ethnic group is inappropriately considered, say, greedy or lazy or involved in specific crimes such as drug-related crimes, knife crimes or violent extremism (Brown & Hewstone, 2005).

According to the MIIPSS, the interviewer will be considered as possibly using *schemas* if the research participants believed that interviewer's negative attitudes towards him/her were due to one or more of the following; (i) his/her group membership; (ii) his/her race; (iii) his/her religion; (iv) the particular nature of the crime (such as sexual crimes, paedophilia or drugs related crimes); or (v) his/her previous criminal record (previously known to the police).

3.5.3.3. Guilt presumption

One of the major findings from earlier research on the investigative interviewing of suspects is that police interviewer assumes the suspect to be guilty, even before the interview is conducted (Baldwin, 1992; Cherryman, Bull, & Vrij, 2000; Kassin et al., 2003; Mortimer & Shepherd, 1999). McGurk, Carr, and McGurk (1993) found that

assumptions of guilt influenced the kind of questions that police officers asked, with leading questions and repetitive questions being used frequently. Furthermore, they found in several interviews that admissions were made only in response to a series of leading questions.

According to the MIIPSS, it will be considered that the interviewer *presumed the suspect guilty* if the research participants identify one or more of the following indicators during the interview;

- (i) the interviewer asked guilt presumptive questions (i.e., questions displaying the interviewer's confirmation bias, where the interviewer selectively searches for information in support of his/her belief or expectations [Kassin et al., 2003] –e.g., Do you still sell drugs?); or
- (ii) the interviewer asked provocative questions (questions which described by the participants were asked merely to make them angry, anxious, and heightening their stress, e.g., would you still be selling drugs if you walked free after this interview?); or
- (iii) the interviewer demonstrated bluffing tactics (e.g., the police interviewer 'bluffed' the interviewee into thinking evidence was to hand but which in fact did not exist); or
- (iv) the interviewer demonstrated inflexibility (e.g., the police interviewer did not allow the interviewee the opportunity to establish their position/account properly, or the interviewer did not adjust their stance in light of new information received from the interviewee); or
- (v) the interviewer reacted to the suspect's behaviour with destabilising, disturbing, or confusing (non-verbal) responses (e.g., the police

interviewer mentioned that the interviewee's non-verbal behaviour is associated with deception).

3.5.3.4. Self-fulfilling prophecy effect

A self-fulfilling prophecy is “the case whereby people (a) have an expectation about what another person is like, which (b) influences how they act towards that person, which (c) causes that person to behave in a way consistent with people's original expectations” (Aronson, Wilson, & Akert, 1999: p.527). It is arguably as likely to happen when someone fails to understand how his/her own belief has helped him/her to construct a false reality (Biggs, 2009). Once a person is convinced that members of a specific group behave in certain ways, he/she is more likely to seek and find evidence to support the belief rather than evidence in opposing it, somewhat independently of the facts (Merton, 2016). The presumption of a relationship predisposes one to find evidence of that relationship, even when there is none or little to be found or, if there is evidence to be found, to overweight or underweight it, and arrive at a conclusion that goes beyond what the evidence justifies (Nickerson, 1998).

According to the MIIPSS, the interview will be considered as affected by the *self-fulfilling prophecy effect* if the participants identified one or more of the following indicators as present during the interview where;

- (i) the interviewer overweighed the evidence (e.g., the police interviewer actively exaggerated the strength of the evidence against the interviewee during the interview); or
- (ii) the interviewer ignored evidence that could have gone in the suspect's favour (or at least did not lead to any belief of guilt); or

- (iii) the interviewer maximised (e.g., interviewer mentioned that the participant would feel worse if he/she did not confess) or minimised (e.g., the interviewer spoke in a way which functioned to lessen the seriousness of offence and offer moral justification - for example by blaming the victim or other circumstances [Kassin et al., 2003]) the nature of offence; or
- (iv) the interviewer repeatedly accused the interviewee of the crime(s); or
- (v) the interviewer repetitively asked either leading questions (e.g., questions which function to produce a response desired by an interviewer- e.g., you saw the gun, didn't you?) or guilt presumptive questions (questions displaying interviewer's confirmation bias, where interviewer selectively search for information in support of his/her belief or expectations [Kassin et al., 2003] – e.g., do you still sell drugs?).

3.5.3.5. Hostile approach

The use of empathy during police interviews has been found in previous studies as beneficial both to rapport building and to the number of increased admissions from some suspects (Dando & Oxburgh, 2016; Oxburgh, 2011). However, previous research on investigative interviewing has demonstrated that when the police interviewer has negative feelings towards a suspect and assumes he/she is guilty, there is less presence of empathy, and the interviewer may be hostile in nature (although sometimes subtle in its manifestation) (Bull & Cherryman, 1996; Cherryman & Bull, 2001; Gudjonsson, 2018; Holmberg & Christianson, 2002; Milne & Bull, 1999; 2016; Williamson, 1993; 2006).

According to the MIIPSS, the approach of the interviewer will be considered as *hostile* if the research participant identified one or more of the following indicators as present during the interview;

- (i) interviewer's behaviour was oppressive (e.g., instances of undue pressure, bullying, or continual challenge); or
- (ii) questioning during the interview was persistent and coercive (police interviewer persistently asked confirmation seeking questions – such as you saw the gun, didn't you?).

3.5.4 MIIPSS Constructs Pattern for an Ideal Guttman Scale

The five constructs of the MIIPSS (mentioned above) are placed in the predicted order for a perfect Guttman scale in Table 2 (below). A scale score of '0' means that the research participant would judge the interviewer as someone who treated the suspect fairly, the interview begun unaffected by the interviewer's perceptions. A scale score of '1' reflects that the interviewer has perceived negative attitudes towards the suspect. A scale score of '2' depicts that an interviewer was viewed as judging the suspect by perceived negative attitudes. When the interviewer appeared to presume the suspect as guilty, a score of '3' was allocated, while a scale score of '4' refers to the expectation of guilt which may have led the interviewer to a self-fulfilling prophecy effect. Finally, a scale score of '5' was given when there seemed to be affects on questioning style and possibly coercion, (i.e., hostility). Table 2 depicts five constructs of the MIIPSS for a perfect Guttman scale.

Table 3. 2 Ideal responses pattern for a perfect Guttman scale on the MIIPSS

Influencing Perceptions	Use of Schemas	Guilt presumption	Self-fulfilling prophecy	Hostile approach	Scale score
0	0	0	0	0	0
1	0	0	0	0	1
1	1	0	0	0	2
1	1	1	0	0	3
1	1	1	1	0	4
1	1	1	1	1	5

3.6 Materials

3.6.1 Participants

Twenty semi-structured interviews were conducted with male individuals from the Asian Muslim community, who had been interviewed by the police on at least one occasion as suspects of crime between 2010 and 2014. Individuals were contacted to ask if they wished to participate and those who agreed were requested to participate in face-to-face interviews. The participants were contacted through the researcher's associates, who were requested if they knew anyone who had been interviewed by police within the last five years as a suspect in a crime. They relayed the researcher's contact details to the suspects. From these contacts, the researcher was successful in securing fourteen interviews. One of the researcher's associates, who is a criminal lawyer, was requested to ask some of his clients if they would agree to take part in the present study. Six suspects (also Asian Muslims living in the UK) were sourced via this criminal lawyer.

The police interviewed the suspects who took part in this study as suspects of a range of offences, including possession of drugs with intent to supply, sexual offences, serious physical assault, human trafficking, attempted murder, domestic violence, and

terrorism-related offences. The sample involved suspects from major English cities including the West Midlands, London, Greater Manchester, and Bristol. None of the suspects was known to each other.

A total of eight semi-structured interviews were also conducted with legal representatives who had represented suspects from almost every ethnicity within England and Wales. Two of the lawyers were associates of the researcher, who each, in turn, provided contact details of a total of six further criminal defence lawyers. It was subsequently learned that each of the legal representatives who took part in this study had represented more than one thousand suspects.

3.6.2 Procedures

During the research interviews, the suspects were asked to provide interpretations of their experiences during police interviewing and of interviewers' attitudes towards them. When a participant believed that the interviewers' attitudes were negative towards him and endorsed particular constructs of the MIIPSS, then it was matched to the indicators of the construct's operational definition. If this verified that the suspect had correctly identified a construct, the construct was subjected to a Guttman pattern (see Table 2 above) by asking the suspect further questions to establish whether he believed (through open questions) that the constructs lower on the scale were also present during the interview. Any missing constructs in the banding pattern were identified as errors and indicated as '0*'. Similarly, legal representatives were asked to provide their interpretations regarding police interviewers' attitudes towards suspects from different ethnic groups. Their responses were also evaluated concerning the operational definition of each construct to the MIIPSS.

3.6.3 Instrumentation

Finally, the twenty-eight (audio-recorded) interviews were analysed concerning the operational definition of each construct. All the responses given by the participants to each construct were evaluated. A value of '1' was given if the research participant indicated the presence of that construct during the interview. A value of '0' was given if the participant did not indicate that the construct was present during the interview. If the response from participants mismatched the predicted order, the response is considered as 'error,' which is indicated with '0'*. All the responses given to each construct by the suspects and legal representatives are presented in Table 3 and Table 4.

Table 3. 3 Guttman scalogram for the five constructs on the MIIPSS & responses given to each construct (columns) by each participant (rows)

Participants	Influencing perceptions	Use of schemas	Guilt presumption	Self-fulfilling prophecy	Hostile approach	scale score
S1	1	1	1	1	0	4
S2	1	1	0*	0*	1	3
S3	1	1	1	0	0	3
S4	0*	0*	1	1	1	3
S5	1	1	1	0*	1	4
S6	1	1	1	1	0	4
S7	1	1	1	1	1	5
S8	0	0	0	0	0	0
S9	1	0*	1	0	0	2
S10	1	0*	1	0*	1	3
S11	1	1	1	1	1	5
S12	0	0	0	0	0	0
S13	1	0	0	0	0	1
S14	1	1	1	0	0	3
S15	1	1	1	1	1	5
S16	1	1	0	0	0	2
S17	1	1	1	1	1	5
S18	0	0	0	0	0	0
S19	1	1	0*	1	0	3
S20	1	1	0	0	0	2
LR1	1	1	1	1	1	5
LR2	1	1	0	0	0	2

LR3	1	0	0	0	0	1
LR4	1	1	1	1	1	5
LR5	0*	1	1	0	0	2
LR6	1	1	1	1	1	5
LR7	1	0*	1	1	0	3
LR8	1	1	1	1	0	4

S=Suspect LR= Legal Representative

Table 3. 4 Responses given to MIIPSS constructs

Construct	Responses (<i>n</i> =28)	
	Yes	No
Influencing perceptions	23	5
Use of schemas	19	9
Guilt presumption	18	10
Self-fulfilling prophecy	13	15
Hostile approach	11	17

3.6.4 Data Analysis

The data were analysed according to the following steps: (i) ordering the constructs from influencing perceptions to extreme hostile approach, i.e. *(1) perceptions, (2) use of schemas, (3) guilt presumption, (4) self-fulfilling prophecy and (5) hostile approach*; (ii) analysing the number of constructs endorsed by each participant; (iii) calculation of the total number of errors from mismatch of the predicted order; and (iv) calculation of statistical values.

In order to determine whether the scale is valid, four statistics are produced: (i) the coefficient of reproducibility (CR); (ii), the minimum marginal reproducibility (MMR); (iii) the percentage improvement (PI); and (iv) the coefficient of scalability (CS) (Guttman, 1944; Cliff, 1977; Gothwal et al., 2009).

Guttman (1950) originally proposed the coefficient of reproducibility (CR) to assess the degree of scalability of empirical data. According to Guttman (1950, p.77)

[“The amount by which a scale deviates from the ideal pattern is measured by a coefficient of reproducibility. This coefficient is simply a measure of relative degree with which the obtained multivariate distribution corresponds to the

expected multivariate distribution of a perfect scale. It is secured by counting up the number of responses which would have been predicted wrongly for each person on the basis of his scale score, dividing these errors by the total number of responses and subtracting a fraction from one”]

The coefficient of reproducibility (CR) indicates how often responses fit the ideal pattern. CR varies from 0 to 1. The formula for CR may be expressed as follows:

$$\begin{aligned} CR &= 1.0 - (\text{\#errors})/\text{total responses} \\ &= 1.0 - (\text{\#errors})/[(\text{items}) \times (\text{\#respondents})] \end{aligned}$$

CR, calculated according to the requirements of the particular scale construction technique, is a measure of ‘goodness of fit’ between the observed and predicted ideal response pattern (McIver & Carmines, 1981). Guttman (1950) established the standard that a set of items should be considered scalable if the observed error in reproduction equals 10% or less of the total responses. The CR value to conform MIIPSS is calculated below

$$CR = 1 - \left(\frac{\text{total number of errors}}{\text{total number possible errors}} \right)$$

$$CR = 1 - 11/140$$

$$CR = 1 - 0.078$$

$$CR = 0.92$$

A CR value of more than 0.90 is considered acceptable and suggests that it is a valid cumulative and unidimensional scale (Guttman, 1944). The high CR indicates that

the pattern of constructs is cumulative and that the MIIPSS is a valid instrument (Cliff, 1977; Guttman, 1944).

Edwards (1957) noted that a CR of 0.90 is not a sufficient condition for the scalability of a set of statements. According to Edwards (1975, p.184), “Guttman’s CR measurement was inconsistent with the proposed cumulative interpretation of the scalogram theory. As a result, CR value fails to reproduce the originally observe pattern within the stated limits of accuracy”. Since the CR is affected by the proportion of responses in the modal category (the category with the most responses), an artificially high but relatively meaningless CR can be achieved for even an unsatisfactory scale. That is, a high CR with an uneven distribution of responses may be misleading. To interpret the coefficient of reproducibility properly, one needs some idea of how low CR value could go, given the particular distribution of responses received (Bailey, 2008). This can be determined by computing the minimum marginal reproducibility (MMR). The calculation of MMR depends on the fact that an item’s reproducibility can be no less than the proportion of responses in its modal category. Therefore, total reproducibility cannot be less than the sum of the proportion of responses in the modal category for each item in the scale, divided by the number items (McIver & Carmines, 1981). The MMR value reflects the reproducibility of a series of items based only upon knowledge of the item marginal distribution.

$$MMR = \sum_{i=1}^n (\% \text{ responses in modal category} / N)$$

Where N = total number of constructs

The MMR value to test the validity of the MIIPSS is calculated as follow:

$$MMR = \left(\frac{23}{28} + \frac{19}{28} + \frac{18}{28} + \frac{15}{28} + \frac{17}{28} \right) / 5$$

$$MMR = 3.287/5$$

$$MMR = 0.66$$

Since CR=.92 while MMR=.66, it is clear that CR is not high solely because of the modal frequencies, and that, it could be considerably lower. As such, the CR signifies a considerable improvement in the reproducibility over the minimum level of .66 and indicates the adequacy of the MIIPSS.

The final criterion to conform the Guttman scale is the coefficient of scalability (CS), which indicates the proportion of responses that can be correctly predicted from the total summed score, thereby allowing for the relative frequencies with which different items are passed. Menzel (1953) developed the CS as a measure to scale's ability to predict item responses in comparison to predictions based on marginal frequencies. CS is the most important criterion to conform the scale, which essentially tests the degree to which data fit the model (Gothwal et al., 2009; Manzel, 1953). The CS is obtained by dividing percentage improvement (PI) by the difference between 1 and MMR. PI is the difference between the coefficient of reproducibility (CR) and the minimum marginal reproducibility (MMR). PI is an indication of the extent to which CR reflects the response patterns rather than the inherent cumulative interrelation of the variable used (Adams, Ashbum, Pickering, & Taylor, 1997).

$$PI = CR - MMR$$

$$PI = 0.92 - 0.66$$

$$PI = 0.26$$

The CS varies between 0 and 1. A CS value of ≥ 0.60 is accepted to confirm the validity of the Guttman scale (Manzel, 1953).

$$CS = PI/(1 - MMR)$$

The CS value calculated to test the adequacy of the MIIPSS is as follow:

$$CS = 0.26/(1 - 0.66)$$

$$CS = 0.26/0.34$$

$$CS = 0.76$$

The CS value of 0.76 fulfils both desired requirements; (i) CS should be lower than 0.90 and CR; and (ii) CS should be between 0.60 and 0.80 (Stouffer et al., 1950) of an ideal Guttman scale, which indicates the adequacy of the MIIPSS.

3.7 Results

Responses from the 28 research participants were subjected to Guttman scalogram analysis. Regularity in responses pattern of the Guttman Scalogram suggests that the responses on the MIIPSS do, indeed, follow a deterministic Guttman scale (i.e., if the interviewer was perceived to hold negative attitudes towards suspects then there is a distinct possibility that such negative attitudes may lead to the interviewer displaying hostility towards suspect). As evident in Table 5, the MIIPSS satisfies the essential criteria for classification as a valid Guttman scale because CS, CR, and MMR values fall within the desired range.

Table 3. 5 Evaluation of Guttman Properties of the MIIPSS

Evaluation Criteria	Value of the MIIPSS
Coefficient of reproducibility (CR)	.92
Minimum marginal reproducibility (MMR)	.66
Percentage improvement (PI)	.26
Coefficient of scalability (CS)	.76

3.8 Discussion

The MIIPSS has been developed to assess the perceived level of investigative interviewers' prejudicial stereotyping towards suspects from certain groups. The Guttman principle was applied to develop the MIIPSS because the researcher sought, firstly, to sequentially identify the factors which allow for the development of the scale, which in turn assesses if negative attitudes are believed to be possessed by the interviewers toward the suspects and, secondly, to distinguish between interviewers with different degrees of prejudicial stereotyping. The constructs in the MIIPSS meet all the requirements of a valid Guttman scale, and logically all the constructs relate to prejudicial stereotyping within the investigative interviewing context. The Guttman scalogram analysis of the MIIPSS provides a useful model to understand the processes and steps involved in the occurrence of perceived prejudicial stereotyping within investigative interviewing and could help to assess the level of apparent prejudicial stereotyping displayed by interviewers during investigative interviewing.

It was hypothesised that if the interviewer has any perceived negative attitudes towards the suspect, this could be followed by judging the suspects on the basis of this perceived negative attitude. As such, there is a distinct possibility that the interviewer could presume the suspect guilty on the basis of perceived negative aspects and employ schemas by using alternative explanations to support existing negative beliefs. Once the interviewer has presumed the suspect guilty, the interviewer's expectation of guilt is considered to likely lead the interviewer towards a self-fulfilling prophecy. Consequently, this approach may lead (at its more extreme) to the interviewer demonstrating hostility toward suspects.

A CR value of 0.92 and a CS value of 0.76 were found, indicating that patterns of items are cumulative and that the MIIPSS is a valid instrument of measurement. Because the CR exceeds 0.90, it can be predicted from the interviewee's response when he or she passed the 'more extreme' item that he or she also passed the 'less extreme' items. For example, if there was a guilt presumption (third item in the MIIPSS) perceived in an interview it means that the interviewer used schemas (second item in the MIIPSS) on the basis of perceived negative attitude (first item in the MIIPSS) to come to his/her assumption that the suspect is guilty.

The MIIPSS can be used either by police supervisors to assess police interviewers' attitudes toward suspects or by interviewers themselves to monitor their own attitudes. Interviewers' attitudes can be measured by using the MIIPSS items in the reverse order. For example, the measurement would begin when the interviewer recognises that he/she possesses a hostile approach towards certain suspects. As a hostile approach is the fifth item on the MIIPSS (indicating more extreme negative attitudes), the starting point for

improving their approach would be to examine at the fourth item on the MIIPSS followed, in turn, by the third, second, and first item.

The fourth item, ‘self-fulfilling prophecy’ is a “false definition of the situation evoking a new behaviour which makes the originally false conceptions come true” (Merton, 2016: p.477). This can happen when an interviewer fails to understand how his/her own belief has helped him/her to construct a false reality (Biggs, 2009) and he/she becomes so focused on an issue/belief that no other information registers in his/her thoughts, which is known as tunnel vision (Findley & Scott, 2006). Tunnel vision is a product of multiple processes including cognitive distortions such as confirmation bias (Findley & Scott, 2006). Tunnel vision and confirmation bias can be the results of expectations of guilt (the third item on the MIIPSS).

If there is concern that an interviewer has presumed the suspect to be guilty before the interview, it can be identified by examining where those expectations of guilt came from, by asking such as questions as these. Why did she/he presume the suspect to be guilty before the interview? What factors made the interviewer decide that the suspect was guilty? Does she/he assume every suspect to be guilty before the interview or only those suspects who are suspected of a particular crime (such as knife crimes, sexual crimes, drugs related offences) or those who come either from a particularly notorious area, ethnic minority, or who have been previously known to the police?

Such patterns that assign generalised characteristics to groups of suspects or groups of crimes without considering variations between individuals are known as schemas (second item on the MIIPSS) (Leyens, Yzerbyt, & Schadrom, 1994). They can result in unjustified negative attitudes towards a suspect based on his/her membership of

a group, being suspected of a particular crime, or belonging to a troublesome area. The interviewer's attitude towards a member of a certain group is, in part, based on the perceived positive and negative aspects of the group (i.e., the first item on the MIIPSS). By identifying the sources that feed interviewers' negative perceptions of certain groups and individuals suspected of specific offences, and by tracking how explanations that support such negative perceptions develop, interviewers could avoid presuming the suspects guilty before the interview, avoiding tunnel vision and confirmation bias that compromises the investigative process.

Perceptions \rightleftarrows Use of schemas \rightleftarrows Guilt presumption \rightleftarrows Self-fulfilling prophecy
 \rightleftarrows Hostile approach

MIIPSS allows the researchers and police interviewers to use the constructs in both directions. By using the MIIPSS, it is possible to identify the factors in a sequence that leads interviewers to possess extreme negative attitudes towards suspects.

3.9 Limitations

The Guttman scale is not without its limitations. A deterministic Guttman scale is ordinal. No information can be used to infer the intervals between constructs and participants. The scalogram analysis does not allow for enough variation in the construct being measured (Gothwal et al., 2009). Although the MIIPSS identifies the factors in a sequence which ultimately might lead to the interviewers' extreme negative attitudes towards suspects, and distinguish between interviewers with different degrees of prejudicial stereotyping, it must be remembered that the MIIPSS is ordinal. As such, it is not possible to compare the prejudicial stereotyping level displayed by interviewers across suspects. Despite these apparent shortcomings, an important property of a Guttman

scale is that a person's entire set of responses to all items can be predicted from the 'cumulative' score because the model is deterministic (Guttman, 1944).

It is also important to recognise that the causes of the presumption of guilt, self-fulfilling prophecy, and hostile approach not necessarily arise only from prejudicial stereotyping based upon suspect's membership in an ethnic, religious, or another minority group. But also could be due to other factors such as the particular nature of the crime (such as sexual crimes, paedophilia, or drugs related crimes), suspects' previous criminal record, or their being previously known to the police. Further, interviewer's interpretations of any evidence held, or their schema, may well also have varying degrees of influence. Additionally, during the research interviews, the participants may have exaggerated their responses, which could have been affected by their personal biases against the police. Similarly, legal representatives' views may be affected by any social biases they may have held either towards or against the police or suspects (similarly, the researcher). Because participants were suspects from a minority community, a hard to reach group for voluntary study, the small sample size could limit the generalisability of this study. However, the responses from experienced legal representatives triangulated with the suspects' responses, which is the strength of this research.

3.10 Further Research

In the future, research that addresses the limitations of the present study by including a larger, the more representative sample would be beneficial to test the present research's conclusions. Further, an examination of real-life police interviews (including cases with a number of legal outcomes) with those suspects; (i) who are suspected of a particular crime (such as knife crimes, sexual crimes, drugs related offences); or (ii) those

who come from a particular notorious area; or (iii) who have been previously known to the police would be beneficial to test the present study's conclusions. Such research would also help to determine the implications of prejudicial stereotyping in greater detail within the context of investigative interviewing. Additionally, to compare and contrast the real-life police interviews with suspects from different communities to examine whether prejudicial stereotyping affected police interviewers' attitudes when they undertook the interviews with suspects from the certain stigmatised minority communities and indigenous suspects.

3.11 Conclusions

On the basis of the Guttman analysis of the MIIPSS, the CR and CS values are evidence of a valid Guttman scale, which confirms the MIIPSS hypothesis. Thus, the findings of the present research constitute an important initial validation of the current scale. Researchers could use the MIIPSS as a tool to measure the prejudicial stereotyping in investigative interviews. Further interviewers' can also use the MIIPSS to examine their attitudes towards different groups or individuals suspected of different types of crimes. As consequence opportunities, the MIIPSS not only enables the researchers and police supervisors to measure the police interviewers' possible negative stereotypes towards suspects, but, the scale also may suggest why interviewers presume suspects are guilty before an interview. The MIIPSS provides researchers with opportunities to more scientifically assess police officers' prejudicial attitudes when conducting research in either experimental or naturalistic settings.

Given the identification of five constructs of the MIIPSS, the following chapter will explore the perceptions of real-life Asian Muslim suspects' concerning the police

interviewers' attitudes as perceived by these suspects when police officers undertook the task of interviewing them as the suspects of real-life crimes.

Chapter 4 An Exploration of Perceptions of Real-life Suspects from the Asian Muslim Community Relating to the Police Interviewing Practices in England

4.1 Introduction

In the previous chapter, five core constructs of prejudicial stereotyping in investigative interviewing were identified. These constructs include; (i) possessing negative perceptions; (ii) use of schemas; (iii) guilt presumption; (iv) self-fulfilling prophecy; and (v) hostile approach. Guttman scalogram analysis demonstrated that these

five constructs met the requirements of a valid Guttman scale, indicating that the police interviewers' attitudes might eventually be transformed into a hostile approach if they hold negative stereotypes towards suspects (based on their group membership such as ethnicity, race, belonging to particular area, and particular crime type). Given the identification of five constructs of the MIIPSS, the present research will examine the police interviewers' attitudes as perceived by the real-life suspects from the current 'suspect' community.

The research concerning investigative decision-making suggests that police investigators tend to rely on heuristics (i.e., a set of working rules) that they develop either; (i) from conducting investigations; or (ii) they learn from day to day experiences (Smith & Flanagan, 2000). Under certain conditions, heuristics can lead to cognitive biases and mental errors (Rossmo, 2006; 2016). One heuristic that is used as an explanation for miscarriages of justice and failure of criminal investigations is tunnel vision (Snook & Cullin, 2006). Tunnel vision is a product of multiple processes including cognitive distortions such as confirmation bias (Rassin, 2018). Previous research found that confirmation bias towards suspects' wrongdoing during police interviews led to an 'accusatorial' style of interviewing, where police officers used a confirmatory strategy to elicit confessions (Mortimer & Shepherd, 1999). Kassin, Goldstein, and Savitsky (2003) found that expectations of guilt led to interviewers; (i) asking more guilt-presumptive questions; (ii) conducting persistent and coercive forms of questioning; and (iii) exerting more pressure on suspects to confess (which may result in or contribute to false confessions).

One of the most concerning types of biases within the criminal justice system may well be prejudicial stereotypes about a group (Huggon, 2012). The focus of such bias can

be on race or ethnicity but can also include bias against someone based on his/her group membership (Smith & Alpert, 2007). Prejudicial stereotypes are generally thought to be one of the prominent sources of partiality in criminal trials (Huggon, 2012). In his seminal text, Allport (1954) suggested that prejudice is inevitable (and therefore common) consequence of the ordinary categorisation (stereotyping) process. Both negative stereotyping and prejudice are features that have been found to adversely affect police officers' search for the truth (Huggon, 2012; Williamson, 2006), being the official and stated aim of police interviews in England and Wales under PACE (1984) legislation.

4.2 The Present Study

The present research considers Hillyard's (1993) first application of the term 'suspect' community to the Irish in United Kingdom in the era of Prevention of Terrorism Act (PTA, 1974) and its more recent application to Muslims in the global 'war on terror' (Awan, 2012; Breen-Smyth, 2014; Pantazis & Pemberton, 2009). In England and Wales, the 'war on terror' has been argued to impact adversely on existing race relations policies. New legislation (such as wide discretionary powers of stop and search and arrest under the Terrorism Act [TA] 2000, the extension of pre-charge detention of 28 days [TA, 2006], and the use of control orders to detain without trial), policing, and counter-terrorism measures may cast Muslims, as the 'enemy within' (Warsi, 2017). Additionally, recent research (e.g. Awan, 2012; 2018; Breen-Smyth, 2014; Cherney & Murphy, 2016; Hickman, et al., 2012; Hickman, Silvestri, & Thomas, 2010; Mythen, Walkate, & Khan, 2013; Patton, 2014; Pantazis & Pemberton, 2009) tends to suggest that there exists in the UK a police bias against Muslims which is arguably a direct consequence of state

suspicion and various counter-terrorism legislation, and thus, Muslims a ‘suspect’ community.

The aims of the present study are, therefore, to

- explore the real-life Muslim suspects’ perceptions and experiences when police interviewers undertook the task of interviewing them as suspects of a crime.

Additionally, following on findings from the previous chapter, the present study will also

- examine whether suspect’s group membership affects police officers’ attitudes towards suspects, exhibited in their questioning style when conducting interviews with suspects from certain stigmatised groups.

4.3 Methods

4.3.1 Participants

The present research used semi-structured interviews with twenty-two people from the Asian Muslim community who had been previously interviewed by police on at least one occasion as a suspect in a crime. The twenty-two participants (all males), were from four major English cities (Bristol, London, Manchester, and the West Midlands). Sixteen of the participants were born in England, and the remaining six were migrants from Bangladesh, India, and Pakistan. The police had interviewed each as a suspect of crime on at least one occasion between 2010 and 2014. Participants’ ages ranged from 18 to 50 years ($M = 31.32$, $SD = 9.48$). Fourteen of the participants were interviewed over matters relating to a single offence; the other eight were interviewed on more than one occasion relating to single or multiple offences. Eleven of the participants were convicted

of the offences of which they were last interviewed, while five were released without charge. The remaining six were still awaiting trial at the time of conducting the present research. None of the participants was believed to be known to each other. None were given any incentive or reward for their participation. The details of each participant's index offence(s) are shown in Table 1.

Table 4. 1 Index of suspected offences of the twenty-two participants

Participant No.	Interview year	Age on event	No. of times interviewed	City	Index suspected offences
01	1999,2011	18,30	2	West Midlands	Drugs/Suspected terrorism
02	2013	17	1	West Midlands	GBH
03	2012	18	1	West Midlands	Drugs (intent to supply)
04	2014	24	1	London	Human trafficking
05	2006,2010	34,38	2	West Midlands	GBH, Attempted murder
06	2014	46	1	London	Dangerous driving/Drugs
07	2011	18	1	West Midlands	Drugs
08	2014	48	1	Greater Manchester	Aiding a rape
09	2014	30	1	Greater Manchester	Fraud/Money laundering
10	2014	32	2	London	Fraud/ Money laundering
11	2011,2014	43,46	2	West Midlands	Suspected terrorism
12	2014	24	1	London	Sexual assault
13	2014	26	1	London	Sexual assault
14	2011	35	2	London	Human trafficking/money laundering
15	2011,2014	30,33	3	West Midlands	Drugs (intent to supply)
16	2011	19	1	West Midlands	Sexual assault
17	2013	26	1	Bristol	GBH
18	2012	34	1	West Midlands	GBH
19	2014	18	1	West Midlands	Drugs (intent to supply)
20	2013	28	3	West Midlands	Suspected terrorism
21	2014	21	1	Bristol	Drugs
22	2014	19	2	Greater Manchester	Money laundering

4.3.2 Procedure

The participants were contacted through the researcher's associates, who were requested if they knew anyone who had been interviewed by police within the last five years as a suspect in a crime. They passed the researcher's mobile phone number to the suspects (or on occasion the suspects' contact numbers were passed to the researcher). From these contacts, the researcher was successful in securing an agreement to interview sixteen participants. The researcher requested a further associate, a criminal lawyer, to ask some of his clients if they would agree to take part in the present research. A further six participants were sourced through this route.

Having received ethical approval from the home University, the researcher arranged meetings with each of the participants duly conducting semi-structured interviews in public places (for example, cafes and restaurants) throughout January-May 2015. All the participants were informed that their interview would be audio recorded (if they consented) and that they were assured anonymity, provided they did not make any indications to commit further offences or did not disclose information about a crime that they had committed (for which they had not yet been convicted). Twenty participants provided consent for their interviews to be audio recorded (the other two agreed only to notes being taken of the interview manually). Participants first were asked to provide their own interpretations of their range of experiences and perceptions during an interview about the police interviewers' attitudes towards them. Each participant was asked the same standard set of questions, though where necessary, elaboration and clarification was provided.

4.3.3 Analytical Framework

The present research employed a thematic analysis of interview transcriptions. One of the advantages of thematic analysis is its theoretical freedom, and it can be either inductive (data-driven) or deductive (theory-driven). Thematic analysis is chosen for current research in order to access both; (i) inductively (with themes emerging from the surface meaning of the data) (Frith & Gleeson, 2004); and (ii) deductively (i.e. examining the five constructs of the MIIPSS) (Boyatzis, 1998; Crabtree & Miller, 1999) the perceptions and experiences of suspects about their police interviewers' attitudes towards them during interviews. As such *inductive* analysis is a process of coding the data without trying to fit it into a pre-existing coding frame (Patton, 1990), or the researcher's analytical preconceptions (Braun & Clarke, 2006).

In contrast, a *deductive* analysis would tend to be driven by the researcher's theoretical or analytical interest in the area and is thus more explicitly analyst driven (Braun & Clarke, 2006). The deductive analysis tends to provide less a rich description of the data overall, and more detailed analysis of particular aspects of the data. A researcher can either code for a quite specific research question (which maps onto the more deductive or theoretical approach), or the specific themes can evolve through the coding process (which maps onto the inductive or data-driven approach) (Braun & Clarke, 2006). In the present research, the codes were accordingly both inductive and deductive, originating both from the researcher's theoretical understandings and from the participants themselves (Miles & Huberman, 1994).

The thematic analysis can take either a *semantic approach or latent approach*. In the *semantic approach*, the themes are identified from the "explicit or surface meaning

of data” (Braun & Clarke, 2006, p. 84), whereas in the *latent approach*, the researcher goes beyond the semantic contents of data (i.e., what the respondents actually said) to identify the underlying ideas, ideologies, and assumptions that govern what people say (Boyatzis, 1998). The thematic analysis that focuses on ‘latent’ themes tends to be a more *constructionist* approach. From a constructionist perspective, meanings and experiences are socially produced and reproduced, rather than inhering within individuals (Burr, 1995). Therefore, thematic analysis conducted within a constructionist framework cannot and does not seek to focus on motivation or individual perceptions, but instead seeks to theorise the sociocultural contexts, and structural conditions, that enable the individual accounts that are provided.

In contrast, from an *essentialist/realist* perspective, one can theorise motivations, experience, and meaning in a straightforward way, because a simple, largely unidirectional relationship is assumed between meaning and experience and language (language reflects and enables us to articulate meaning and experience) (Potter & Wetherell, 1987; Widdicombe & Wooffitt, 1995). Therefore, the researcher’s approach to the present research is an *essentialist/realist* approach. Consequently, in the present research, the analysis took a semantic approach (Boyatzis, 1998).

4.3.3.1. Inductive analysis

In the present research, the themes were identified from the “explicit or surface meaning of data” (Braun & Clarke, 2006, p. 84). That is, the inductive analysis took a semantic approach (Boyatzis, 1998). The first step of the analysis involved an initial reading of the transcribed interviews to gain familiarisation with the data. In the second reading, a line-by-line coding was undertaken to ascribe each sentence a code that

described the main essence of the sentence. In this research to code the data, the guidelines for conducting thematic analysis constructed by Braun and Clarke (2006) were followed. Initially, all the data were coded, and these codes were subsequently merged into larger units, organising those that seemed similar in content meaning. This was followed by sorting the different codes into potential themes and collating all the relevant coded data extracts within the identified themes and sub-themes for each interview. In the present research, a theme was defined as the smallest unit that in a meaningful way could express the codes that were included in it. From the individual summary sheets, an overall list of themes was constructed. Themes were refined and grouped into clusters to form following two super-ordinate themes; (i) the legal framework underlying the police interview context; and (ii) participants perceptions about the interviewing practices.

4.3.3.2. Deductive analysis

This approach to thematic analysis was employed by the researcher to examine the attitudes of the interviewers as perceived by the research participants. For deductive analysis, five constructs of the MIIPSS (see Chapter Three) were regarded as a *priori* category, and therefore the method used was category allocation. The researcher read through each interview transcript and, using the five constructs of the MIIPSS as coding categories, ascertained whether; (i) any of these constructs were evident in each transcript; (ii) consulting the description of each construct of the MIIPSS (as defined in Chapter Three); and (iii) judging as to whether or not there was any evidence in the transcripts of a specific construct. The examination of each construct is given in the results section under the super-ordinate theme of ‘perceived attitudes of the interviewers as held by the Muslim suspects’.

4.4 Inter-rater Reliability

Following the coding process of transcriptions, the researcher invited an independent PhD researcher with established knowledge of thematic analysis to code the randomly selected ten copies of transcriptions. The rater worked with clean copies of transcriptions independently and did not know the researcher's coding results. The inter-rater reliability of identification of above three themes (i.e., the legal framework underlying the police interview context, participants' perceptions of interviewing practices, and perceived attitudes of the interviewers as held by the Muslim suspects) was examined using Cohen's kappa. It was found that a Cohen's kappa of 0.91 existed between the two sets of scores, demonstrating a strong strength of agreement (Fleiss, 1981).

4.5 Results

The findings are discussed and presented under these main themes; (i) the legal framework underlying the police interview context; (ii) participants' perceptions of interviewing practices; and (iii) perceived attitudes of the interviewers as held by the Muslim suspects. An analytical narrative was constructed, and extracts from the transcripts are presented to illustrate each of the three super-ordinate themes.

4.5.1 The Legal Framework Underlying the Police Interview Context

This super-ordinate theme is comprised of two sub-themes which are consistent with the research participants' perceptions concerning the legal framework surrounding the police interviews. These sub-themes are; (i) section 76 and section 78 of PACE; and (ii) explaining the legal procedures.

4.5.1.1 Section 76 and section 78 of PACE (1984)

Section 76 of PACE (1984) deals with challenges to the admissibility of confessions and directs the court to exclude confession evidence obtained by oppression in circumstances which were likely to make the confession unreliable. Section 78 of PACE (1984) provides further safeguard against police malpractice. It allows the courts to exclude any evidence which would otherwise be admissible against a defendant felt to have been unfairly induced. All of the participants did not describe any instances which evidently indicated any violation of either Section 76 or Section 78 of PACE. For example, participant (08) stated,

“I was given time to comment. They treated me alright, they didn’t misbehave towards me”.

All the participants shared a common view that they were treated better during the interviews as compared to during their arrest and custody arrangements. For example, participant (13) described it as,

“Overall my experience in all three (arrest, custody, and interview) was not pleasant, but I would say the interview was much better. Due to the police officers were not wearing a uniform I did not feel intimidated. I was not asked any irrelevant question.”

4.5.1.2. Explaining the legal procedures

All the participants reported that at the beginning of the interview police interviewers explained the purpose of the interview and mentioned what legal rights they (as suspects) had. For example, participant (16) reported,

“I mean, the initial questions were making sure I understood my charges, why I’d been brought there and what rights I had, you know, like the right to remain silent and the right to legal representation.”

4.5.2 Participants’ Perceptions of Interviewing Practices

This super-ordinate theme is comprised of three sub-themes which are consistent with the participants’ perceptions concerning techniques employed by the police interviewers during the interviews. These sub-themes are; (i) participants’ perceptions of their interviewers’ communication with them; (ii) effects of evidence on participants’ denials and confessions during interviews; and (iii) use of tactics employed by the interviewers as perceived by the participants.

4.5.2.1. Participants’ perceptions of their interviewer’s communication (rapport) with them

Sixteen of the participants described that their experience of being interviewed by the police interviewers as an uncomfortable and unfriendly event. For example, participant (16) reported,

“They started off with the whole what my rights are, what I can do, what I cannot do and then straight away they got into it, right you have been arrested for....., give us your side of the story, why did this happen, what was going on?”

Whereas, participant (06) stated,

“No, I mean, like I said, it was all done professionally. At no point was anybody overly aggressive to me, but they were not placid either. It was, sort of, right tell us, you know, what you have got to say for yourself basically”.

Another, participant (05) described it as,

“So, when I went to the interview they started throwing the questions at me instead of listening to me.”

Six of the participants reported that their interviewers communicated with them in a friendly manner. These participants reported that police interviewers explained to them all the procedures before the interview and followed those procedures throughout the interview. For instance, Participant (19) described,

“When I was arrested and taken to the police station, I thought I would be mistreated, but overall my experience in the police station was pleasant. At the police station, I was introduced to the interviewers. I was told that they would be interviewing me. They did not ask me any questions that I would feel pressurised. I was given enough time to answer, and I was not interrupted during the entire interview. Before the interview, I was given full information on what and what time I would be interviewed and what procedures would be taken, and they followed all of the procedure throughout the interview”.

4.5.2.2. Effects of evidence on participants’ denials and confessions during interviews

Six of the participants perceived that the evidence held by the police against them was strong. Five of these particular participants stated that they did not attempt to deny

their guilt to the police. These participants described a common reason for confessing guilt was a belief that the police officers would be able to prove their guilt due to strong evidence against them. Participant (06), perhaps, best encapsulates this,

“I was caught in the act...I mean, I can say this...I was guilty, and I did go in with guilty plea...it was a mistake that is what’s happened, nothing, yes, I wanted to confess to it”.

Participant (22) stated he initially denied his guilt, but when he believed that the police had enough evidence to prove him guilty, he decided to confess. He stated,

“Slowly, slowly, pulling out loads of evidence and then obviously.....but then when they come out with the evidence I knew that if I carried on lying I am going to get sent to trial and I am going to get, like, extra years on my sentence, even though I got told I got two years. I would be looking five, five and a half, but then obviously they sorted it out of Crown Court they go just knock it down to two if you plead guilty and obviously reduce my sentence, so that’s it, better start talking, isn’t it? I just admitted to everything, I said, yes, I done it and then...”

Sixteen of the participants believed that the evidence against them was either very weak or did not exist at all. Importantly, these are the same participants, who also mentioned that police officers were not friendly towards them. These participants stated that police interviewers exerted pressure and wanted them to confess when they were not involved in any wrongdoings (or evidence against them was either very weak or did not exist at all). For example, participant (11) said,

“There was no evidence against me; evidence did not exist. It was one-way traffic. They tried to contain me and re-enforce their version”.

Whereas, participant (04) stated,

“There was no evidence; they did not present any evidence other than a witness statement. The witness was the accomplice of the main suspect. He was given witness protection by the police. Whatever he said against me, police believed him blindly, and I was charged on the basis of his statement”.

4.5.2.3. Tactics employed by the interviewers as perceived by the participants

Fourteen of the participants perceived that repetitive and guilt-presumptive questions dominated the questioning during the interview. These are the participants who also indicated there was a lack of good communication (rapport) between them and the interviewers, and they perceived that the evidence against them was weak or didn't exist at all. For example, participant (05) reported,

“When you come in there, you're already, like you had been charged already. It shouldn't be like that. I should have a chance to express myself and to give my event of what happened”.

Further, participant (15) stated,

“Like, example, something happened, and they are making out it's me and then trying to turn my words around and saying, you were there this time that happened it was you. Trying to make everything into a different story, what's happened and make it into a different...”

A number of these participants stated that police interviewers exerted pressure on them during interviews. For instance, participant (22) described,

“Yes, twisting the questions and twisting my words. If I am saying something he’ll twist it saying that he did not just say something else then he wants me to say what he’s saying, but it did not work, and then I start shouting a bit”.

Nevertheless, eight of the participants stated that police interviewers asked relevant questions. These particular participants emphasised that the purpose of the questioning throughout the interview seemed to know their part of the story. For instance, participant (13) stated,

“My interviewers were interested in getting my part of the story. They did not try to accuse me or treated me badly”.

Participant (18) described it as,

“I think I’m lucky in that case I have good police interviewers. I would say they asked me fair questions”.

A couple of participants, who have been interviewed by police on more than one occasion with and without legal representation, stated that it is better to have a legal representative. They described when they did not have a legal representation, police officers asked them repetitive and guilt presumptive questions. For instance, participant (15) stated:

“When the solicitors there they only ask the basic questions. When the solicitors not there they go into it difference really. With the solicitor, they ask you the same questions, and you speak to the solicitor he does it properly without the solicitor there they keep going on and on”.

4.5.3 Perceived Attitudes of the Interviewers Held by the Muslim Suspects

This super-ordinate theme is comprised of five sub-themes which are consistent with the participants' perceptions concerning the police officers' attitudes towards them. These sub-themes are; (i) possessing negative perceptions; (ii) use of schemas; (iii) guilt presumption; (iv) self-fulfilling prophecy; and (v) hostile approach.

4.5.3.1 Possessing negative perceptions

As was noted in the previous chapter, interviews may be affected by the police interviewer's negative *perceptions towards suspects*, if the suspects identified one or more of the following as present during the interview; (i) the interviewer's perceived attitudes towards them were negative; (ii) there was a lack of empathy; and (iii) there was an absence of good communication (or rapport) between the suspect and the interviewer.

When reflecting on their perceptions of police officers' attitudes, seventeen of the participants (81.8%) believed that police officers' perceived attitudes towards them were negative. The majority of these participants perceived that the police interviewers were unfriendly during the interview and their attitudes were biased towards them. For instance, participant (02) stated,

"They are always biased and negative towards you because obviously, they are interviewing you. They want you to fall into their trap, isn't it? In the interview, they are negative all the way".

Further, participant (05) described it as,

“A tense moment, not a very good experience, I treated unfairly as I walked in.”

4.5.3.2 Use of Schemas

As was found in the previous chapter, possible reasons for police interviewers' negative attitudes towards suspects may be due to either; (i) suspect's group membership; or (ii) suspect's race; or (iii) suspect's religious beliefs; or (iv) the particular nature of the crime (such as sexual crimes, paedophilia or drugs related crimes); or (v) suspect's previous criminal record (previously known to the police).

Over two-thirds of the participants (68.2%) stated a number of reasons for police officers' negative attitudes towards them including; (i) previously being known to the police; (ii) ethnicity; (iii) religion; (iv) police culture; and (v) specific crime-related location.

Previously being known to police

Of the participants, who have been interviewed by the police on more than one occasion, five mentioned that the police officers perceived negative attitudes towards them could have been due to their previous criminal record. For example, participant (22) stated,

“I have had a case where I have been beaten up by a gang, and I have been hurt, wounded and I have taken the case to the police, they did not take it any further. They said this case could not go to court. Even though I had a witness, they said we could not take it to court, we do not trust you, because of your criminal record”.

Whereas participant (15) described it as,

“Got a grudge, no, they just do not like me. Well, some of them were. I got arrested in (police station name) and (town name) police are no good. Yes, some police are good, the rest...”

Further, participant (02) encapsulated it as,

“I do not know, probably my colour. There’s no respect. I have been in trouble with the police a few times, so they know your faces, do you know what I mean?”

Ethnicity

Thirteen of the participants stated that the police officers perceived negative attitudes towards them could be due to their ethnicity. For instance, participant (21) stated,

“There’s a certain mindset, or there’s a certain belief system, you know, amongst some of the police officers which actually they feel that you know, perhaps people of like Asian Muslim background ethnicity are the enemy, are the criminals.”

Another, participant (03) described it as,

“You see we are scum. Before it used to be the black, but now it’s the Asian more scum. I think Muslims and Asians are being targeted everywhere; media, news, police. Most media, all this 9/11, this war against terrorism and all that it plays a big role in it”.

Religion

Seven participants felt that police interviewers perceived negative attitudes towards them could be due to their religious background. For example, participant (07) reported,

“Yes, as I mentioned before the one officer, you know, when he was saying things like your kind or your type of person and, you know, it was fairly obvious that he was discriminating. But, then afterwards it became apparent to me when he commented that I’d rather interview a Bob over an Abdul any day. It became very apparent that it had to do with my race and religious background, so it was very clear at that point”.

Participant (17) claimed he was wrongly accused and falsely convicted of a serious offence. He further described that at one stage of investigation he became so scared that police officers may link him with terrorism offences due to his religious background. He stated,

“I thought they were very co-operative with me in the beginning, but as the time passed, I realised that the only thing they want to get me convicted. I think my religious background played an important part and they thought I could be a terrorist. However, I was tricked, trapped, and deceived”.

He further described,

“The overall attitudes of the police interviewers were very negative towards me, they were committed to proving me guilty, and they wanted to send me to prison. And this was mainly due to my Islamic background and sporting a beard. That’s why I became so scared that they would link me with terrorism offences”.

Police culture

Four of the participants thought that it is a matter of police culture (in holding negative attitudes towards anyone who is suspected of committing a crime). For instance, participant (09) stated,

“That’s the way they are brought up in the camp. Even if it’s an Asian police officer, it’s the same attitude. If he’s white or black or whatever, they have all got the same attitude. It’s the uniform. It’s the power, and that’s why”.

Participant (19) encapsulated it as,

“They take advantage of their authority. Every police officer just wants to win the case. They always look at you as you have done something wrong. It is not always like that, is it? But in the way, the police are”.

Specific crime-related location

Five participants described that a police officer could potentially hold negative attitudes if an individual is of Asian descent and the alleged crime is drug related in a particular location. For example, participant (16) reported

“Basically, I lived in a very Muslim Asian area, and the area was known to have problems with the police, you know, drug dealing happens everywhere, because it was an Asian area it was that sort of profile they had.....I was a student. I was doing a law degree myself at the time, but they did not even know any of that. As far as they were concerned and what it felt like was just another guy brought off the street and they were not willing to even talk to me”.

Participant (22) described it as,

“When you see copper, they’ll be like this, like that or they’ll be like, oh, what you got on you today class A or class B? They say it partly, like. Obviously, people sell drugs around here and obviously the Asians and Muslims, and these lot just think because one Asian Muslim is doing it all the Asian Muslims are doing in the area”.

4.5.3.3. Guilt presumption

As was found in the previous chapter, an interviewer could have *presumed the suspect guilty* if the suspects identified one or more of the following during their interview; (i) the interviewer asked guilt-presumptive questions (i.e., questions displaying the interviewer's confirmation bias); or (ii) the interviewer asked provocative questions; or (iii) the interviewer demonstrated bluffing tactics; or (iv) the interviewer demonstrated inflexibility (e.g., interviewers' did not adjust their stance in light of new information received from the interviewee); or (v) the interviewer reacted to the suspect's behaviour with destabilising, disturbing or confusing (non-verbal) responses.

Fourteen participants (63.6%) perceived that the police officers presumed them guilty of the suspected crime from the very beginning of the interview. Many of these participants stated that after explaining the legal procedures, the police officers asked them questions to prove them guilty. For instance, participant (05) reported,

"Like as soon as I came in, they treated me like as I was guilty of the crime, not given me a chance to prove my innocence. When I went to the interview, they started throwing the questions at me, instead of listening to me, when I should have a bit more chance for them to understand the story".

Another, participant (11) stated,

"They treated me as if I am a convicted criminal, repeated accusations. They used jargon and tried to suppress me technically".

These participants reported that the police officers repeatedly asked them guilt-presumptive questions. For instance, participant (09) reported,

“No, because they kept asking the same question and then he starts raising his voice, so you know that he wants to get it out of you, but if I do not know the truth then how can I tell them something.”

Another, participant (10) reported it as,

“When they did ask me harsh questions, my solicitor got involved and told them that he does not need to answer that. So, yeah, few times there were situations where my solicitor got involved, and he noticed there was a bit more pressure from them on me. But they got a way of doing, even they; they cover themselves as well”.

4.5.3.4. Self-fulfilling prophecy effect

As was noted in the previous chapter that interviews could be affected by police interviewers’ *self-fulfilling prophecies* if interviewers; (i) overweighed the evidence; or (ii) ignored evidence that could have gone in the suspect’s favour (or at least not led to the belief of guilt); or (iii) maximised or minimised the nature of offence; or (iv) repeatedly accused the suspect of the crime(s); or (v) repetitively asked leading questions.

Ten participants (45.5%) perceived that the police officers; (i) exaggerated the evidence; (ii) ignored the evidence that could have gone in their favour (or at least not supported any belief of guilt); (iii) maximised the nature of the offences; and (iv) repeatedly accused them of the crime. A number of these participants described the police officers’ presumption of guilt even though there was no evidence to connect them to the crime. These participants perceived that the police officers still tried to connect them to the crime with ‘irrelevant’ evidence. For example, participant (06) described,

“See, in terms of, like, the evidence, see some evidence was obviously brought into the interview room, which some of it was really like irrelevant, something...I mean, obviously I do not want to go into details, but something that...you know, because they did search my house, you know, and they found a few things which were totally irrelevant, was totally not connected to the crime at all. In fact, there was nothing at all. That was nothing to do with them. But, I felt that they were trying to make links. Make links which are stupid links, and I just laughed, and I said, no, and even those things, you know, they had no weight to them. It’s just, like, trying to make mountains out of molehills. That’s why, you know, the CPS did not even bother taking it serious, but the police just for the sake of it....”

Another, participant (11) stated it as,

“Muslim plus Asian is an ingredient to criminality in their eyes. They already made up their mind that I was guilty, and their approach was authoritative. They manipulated the questions to as much extent as they could. They wanted me to get charged”.

Further, participant (02) reported,

“They want to believe what they want to believe, no matter what I say. I am a criminal in their eyes”.

Six of these participants reported that the police officers were so fixated on charging them that they ignored the evidence, which could have gone in their (suspects) favour. For example, participant (5) reported,

“All the evidence was short, CCTV, that was missing. They presented the evidence which was all against me and nothing in my defence. My solicitor asked for that, but we

never got it. I do not know what circumstances, maybe it was what colour I am, ethnicity group I am or maybe they just like that, they trying to get all the evidence against me”.

Three of the participants reported that the police officers exaggerated and arrived at a conclusion that goes beyond what the evidence justifies. These participants stated that even though the CPS charged them successfully, but the court dropped the case because the evidence against them was not strong enough. For example, Participant (01) stated,

“Because of when I got done for the drugs, there were no drugs found on me, and they are still saying those drugs are you. They got their own version saying you went there and you are a drug dealer, which I was not. They got their own version. So, I had to go to court, at the end the court dropped it”.

4.5.3.5. Hostile approach

As it was noted in the previous chapter, the interviewer’s approach may be *hostile* if they; (i) appear oppressive (e.g., instances of undue pressure, bullying, or continual challenge); and/or (ii) ask persistent and coercive questions during the interview.

Eight of the participants (36.4%) perceived that the police officers had demonstrated hostility towards them during the interview. For instance, participant (17) described,

“He kept repeating the question about the diary, again and again, I started smiling. The police officer shouted, stop smiling, I am serious about these questions. My solicitor intervened. The police officer lost his temper with him too and shouted, you do not need to intervene, let the suspect talk. Then they stopped the interview”.

Whereas, participant (18) reported it as,

“However, during the third interview the interviewers were very persistent, and they asked me such questions that I felt that they were pressurising me to say something and go against my solicitor’s advice. In the third interview, they just wanted me to confess and say that I have done this. They were pushing me to speak up and confess”.

Further, participant (11) stated it as,

“Police interviewers’ behaviour towards me was very dehumanising and threatening. I felt powerless as the interviewers were in actual power and controlling everything, they are control freaks”.

When reflecting on the police officers’ attitudes during interviews, a couple of participants described it as aggressive and threatening. For instance, participant (06) described,

“Because he was losing his cool, you know his posture. I noticed he started leaning back, you know, raising his chin, raising his voice, and he started flapping his hands about and stuff, you know. It was not very pleasant. He came across very aggressive. I do remember at one point he slammed his fist on the table, do you understand?”

4.6 Discussion

The present research sought to examine Asian Muslim suspects’ perceptions as to whether police interviewers appear to use negative stereotypes towards them and whether interviewers employed tactics that are not in line with the current ethos of police interviewing practices in England and Wales (as outlined in the PACE Code C). Given the identification of five constructs of the MIIPSS (following on findings from the

previous chapter), this chapter also examined if these suspects perceived whether police interviewers displayed prejudicial stereotypes towards them, and (if they did), to what extent did these perceived prejudicial stereotypes transform into discriminatory behaviour?

From the findings (relative to the legal framework underlying the police interview context) it appears that police interviewers are thoroughly aware of the importance of legal and procedural issues. The PACE Act legally impose a standardised and structured set of procedures to which the police interviewers must adhere or risk the interview being ruled inadmissible in court. All the participants stated that at the beginning of the interview the police officers explained the purpose of the interview and mentioned what legal rights they had. The participants shared a common view that they were treated better during their formal interviews when compared to those interactions upon their arrest or during custody arrangements. It appears that the general standards of police interviewing (in terms of legal and procedural issues) have improved since the introduction of PACE Act and PEACE model, similar to the findings of earlier studies (for example, Clarke & Milne, 2001; Clarke, Milne, & Bull., 2011; Griffiths & Milne, 2006).

Further findings (relative to participants' perceptions of interviewing practices) suggest that during those interviews, where hostile communications was demonstrated, police officers (as perceived by the participants) tended to directly or indirectly accuse the suspect right after explaining the legal procedures. In such interviews, the participants perceived their experience as an agonising event, indicating a hostile atmosphere. This finding suggests that such interviews may well have lacked a suitable foundation for an open conversation, which is one of the underlying principles of the investigative interview model in which police officers are trained. Research suggests that poor rapport building

is associated with an increased risk of police interviewers failing to elicit comprehensive and reliable accounts from interviewees (Walsh & Bull, 2010). In the present research, it was found that just less than two-thirds of the participants indicated poor communication (i.e., they felt that their experience of being interviewed was an agonising and confrontational event). Walsh and Bull (2012) found poor rapport building is associated with an increased risk of police interviewers failing to elicit comprehensive and reliable accounts from interviewees (being the stated aim of police interviews in England and Wales). As such, the present research suggests that during such interviews with police interviewers may well be obtaining incomplete accounts (i.e., they lack information/evidence that might well assist in helping to determine either innocence or guilt).

Further, in cases where participants perceived that the evidence against them was strong, it was more likely that they would confess to their guilt. Conversely, where the participants believed or perceived that the evidence against them was weak (or did not exist), they denied their involvement and refuted such accusations. Such a finding was also found when the participants perceived that the evidence was weaker, the interviewers tended to repeat the original accusations which generally prompt further denials from the participants, similar to the findings in the pre-PEACE studies conducted by Moston, Stephenson, and Williamson (1992) and Baldwin (1993). There are two possible explanations for these findings. Firstly, because these particular participants could have perceived the evidence against them is weaker. Therefore, it is difficult for the police interviewers to prove their guilt and they denied their involvement. Secondly, when the police officers did not have strong evidence, they tended to repeat the original accusations and asked more guilt presumptive questions to prove them guilty. Consequently, these

interviews were lacking rapport, as during such interviews participants emphasised that police interviewers exerted pressure and wanted them to confess when they were not involved in any wrongdoings (or evidence against them was either very weak or did not exist at all).

The third qualitative theme of prejudicial stereotyping is novel to this research. Following the development of the MIIPSS constructs, the researcher applied these constructs to examine if police interviewers hold negative stereotypes toward suspects, and if so, to what extent did these perceived negative stereotypes transform into discriminatory behaviour. When reflecting on their views on police officers' attitudes, the majority of participants (81.8%) perceived that police interviewers' attitudes towards them were negative. These participants perceived that the police officers' negative attitudes towards them were due to either; (i) their being previously known to the police (31.8%); (ii) their ethnicity (59.1%); (iii) their religious beliefs (31.8%); (iv) police culture (13.6%); or (v) the specific crime-related location (22.7%). Such a fixed over-generalised belief about a particular group of people or class of people is known as stereotyping (Fiske, & North, 2014).

As such, negative stereotypes may well be one of the most dangerous types of biases to the criminal justice system and the focus of these negative stereotypes can be upon race or ethnicity (Huggon, 2012). As long as negative stereotypes exist, prejudice will follow it and is inevitable (Devine, 1989). According to the Social identity theory's explanation for the social foundation of such stereotypes, group membership serves to bolster self-esteem, and thus, individuals have an incentive to favour in-group members (their own) over out-group members (Tajfel & Turner, 1979). Collective findings from the current research (i.e., negative stereotypes based on ethnicity, religion, or specific

crime location resulted in a guilt presumption and self-fulfilling prophecies) and the previous research (Devine, 1989; Huggon; 2012; Tajfel & Turner, 1979) indicate the use of negative stereotypes may have adverse effects on such interviews as these stereotypes can have a more negative effect when interviewing suspects from stigmatised (out-groups) communities. The data reported here appear to support this, as it was found over 59% of the suspects perceived that police interviewers' attitudes towards them were negative due to their Asian Muslim ethnicity.

To what extent can negative stereotypical attitudes result in discriminatory behaviour? As such, nearly two-thirds of participants perceived that police interviewers asked them guilt-presumptive questions and they felt that this was because of such negative stereotypes. Previous studies found that guilt-presumptive questions produce a self-fulfilling prophecy effect (Hill et al., 2008; Kassin et al., 2003). It was found, nearly half of the participants perceived that their interviews could be affected by police officers' self-fulfilling prophecies. Consequently, this approach (that involves a guilt presumption and self-fulfilling prophecy effects) may have led to the interviewer demonstrating hostility or discrimination towards suspects (as it was found in the previous chapter). It was also found that a third of the participants mentioned the instances of interviewers' discriminatory behaviour.

However, these data must be interpreted with caution because some of the unsatisfactory findings pertain not to race/religion but may well be due to mishandling by the police and probably would have been voiced regardless of ethnicity/religion.

4.7 Limitations

Semi-structured interviews for assessing people's perceptions are prone to error resulting from cognitive and motivational biases as they are wholly reliant on their self-reports (Ehrlich & Rinehart, 1965). During the semi-structured interviews, suspects may have exaggerated their responses, or their responses could have been affected by their own biases against the police. To mitigate any bias effects the researcher made sure that none of the participants was recruited by any other of the participants in the present study, (that is, all the participants were neither known to each other nor the researcher). Additionally, since the participants recalled events of up to five years prior to their interview in the present study it is possible that some of those memories might have been affected by such a time delay, or in that intervening period they may have conferred with others (which may have led to either memory distortions or source monitoring errors).

Although the sample recruited was small, it is important to acknowledge that the participants were suspects from a minority community that has been traditionally ones that are hard to reach for research purposes. However, thematic saturation was evident. Therefore a large sample may have been of little additional benefit. It is important to recognise that the super-ordinate themes presented resulted from the researcher's interpretations of the data. These interpretations may be influenced by researcher's biases either against the police or the suspects. However, a strong Cohen's kappa of 0.91 between raters suggested that this might not be the case.

4.8 Future research

During the present study, a number of the suspects claimed that police officers ignored such evidence that could have gone in their (suspects') favour. The limited existing research suggests that the occurrence of confirmation bias and tunnel vision is arguably higher in the investigative process when the suspect is from a stigmatised community (Roach & Trotter, 2005). The previous experience with the Irish cases demonstrates that arguably tunnel vision is the glue that brings together a number of failings in the system, for example, police negligence and misconduct, and the failure to discover or disclose exculpatory evidence (Findley & Scott, 2006). Further research that examines real-life police investigations with suspects from the 'suspect' community would be beneficial (i) to test the present study's conclusions and (ii) to determine whether in real-life investigations police officers failed to discover or disclose any exculpatory evidence when investigating a suspect from the 'suspect' community.

Also, it will be important in future studies to compare and contrast the experiences of suspects from different communities to determine the implications of prejudicial stereotypes in greater detail. Recognising the present study concerned suspects from the 'suspect' community (i.e., Asian Muslims), it is clear that there is much work to be undertaken with suspects from different communities before we confidently understand the extent and implications of such negative stereotypes within the investigative interviewing context.

4.9 Conclusions

The present study found that if police interviewers developed negative stereotypes on the basis of suspects' ethnicity or religion, then this may lead to discriminatory behaviour when interviewing suspects from out-groups. It is difficult to determine whether such racial/religious stereotypes operate consciously or unconsciously. From a theoretical perspective, unconscious racial stereotyping may provide an explanation for the police interviewers' discriminatory behavior. Such negative stereotypes are more likely to develop through repeated contacts with an out-group and subsequently guide perceptions in future encounters (Smith & Alpert, 2007). Given the potential and serious consequences of racial/religious stereotypes which may result in discriminatory behaviour, it is argued that further training of police officers is necessary to make them more aware of the implications of such negative (racial/religious) stereotypes to improve on interviewing performance, case outcomes, and community cohesion.

In order to adopt a holistic approach, the following chapter will examine the legal representatives' perceptions, as these professionals may also be present during the interviewing of suspects. As such, it is also felt important to obtain their perceptions to examine whether they perceived any prejudicial stereotyping that might lead police officers towards discriminatory behaviour when interviewing Muslim suspects.

Chapter 5 An Exploration of Perceptions of Legal Representatives Concerning Police Interviewing Practices in England

5.1 Introduction

Following the development of the MIIPSS in Chapter Three, in the previous chapter, the researcher examined police interviewers' attitudes as perceived by the Asian Muslim suspects. It was found that if police interviewers have developed prejudicial stereotypes based on suspects' ethnicity or religious beliefs, then this may lead to discriminatory behaviour. To adopt a holistic approach, the present chapter examined the legal representatives' perceptions, as these professionals may also be present during the

interviewing of suspects. As such, it was also felt important to obtain legal representatives' perceptions to examine whether they perceived any prejudicial stereotyping that might lead a police interviewer displaying a discriminatory behaviour when interviewing Muslim suspects. The present study is novel as no research (as far as it is known) have been conducted to explore legal representatives' views concerning police interviewing of suspects in England and Wales.

5.2 Background

Research has reported a decrease in the use of coercive techniques following the introduction of the PEACE interviewing model in England and Wales (Bull, 2014). Such research has also shown that the PEACE model provides a planned, fair and ethical means of interviewing and can help to maximise the likelihood of a fair trial (Shawyer & Milne, 2009). To ensure such fairness, the European Court of Human Rights recently determined that suspects are entitled to have access to legal advice before and during the interviewing (Art. 6 ECHR). The Salduz case law (Salduz v. Turkey, ECtHR 27 November 2008, no. 36391/02) has led to legal reforms in various European countries, which allow lawyers to provide legal advice to the suspects before and during the interview. However, in England and Wales, legal advice before and during interviews has been common practice since the implementation of PACE in 1986 (Bull, 2014).

The national training package for investigative interviewing (NCF; 1996) deals with legal representation within the context of investigative interviewing. Reference is made to the prerequisite under Code of Practice C (PACE, 1984); (i) for the police to ask a suspect who refuses to take legal advice to give his/her explanation for such a decision; (ii) the role of a legal representative during the interview; and (iii) the conditions under

which a legal representative may be excluded from the interview room. Additionally, police interviewers were given guidelines concerning how to manage the changes adopted by legal representatives introduced under the Criminal Justice and Public Order Act (CJPOA, 1994). In the post-PACE period, especially since 1986 when it became mandatory for all interviews with suspects conducted in police stations to be audio recorded, there has been some evidence to show that more suspects are asking and being granted access to a legal representative before and during police interviews (Irving & McKenzie, 1989). Sanders and Bridges (1989) found that about nearly one-quarter of the suspects in their study were granted access to a legal representative before or during the interview. Moreover, a further change in police officers' attitudes towards the right of suspects to have a legal representative may partly be due to their PEACE interviewing training. That is, PEACE training emphasised that police interviewers should not only ensure that suspects were made aware of their right to legal representation, but they should also encourage suspects to exercise that right.

The role of the legal representation during police interviews with suspects is one that has been the focal point of consideration in the wake of the more acclaimed miscarriages of justice that have come before the Court of Appeal. For instance, in overturning the convictions of the *Cardiff Three*, the Court of Appeal remarked:

[the solicitor who sat in on the interview seems to have done that and little else...It is of the first importance that a solicitor fulfilling the exacting duty of assisting a suspect during the interviews should follow the guidelines and discharge his (sic) functions responsibly and courageously] (R. v. Paris, Miller, Abdullahi [1992] 97 Cr. App. R. 99).

Moreover, prior research has prompted concern over the lack of active and meaningful intervention displayed by legal representatives. In a post-PACE study, Baldwin (1993) found that legal representatives played an insignificant role when representing suspects in police interviews. Baldwin argued, *“it was curious to note from the videotapes, for example, how often legal representatives remained in silence at interviews when one might have anticipated some intervention from them”* (Baldwin, 1993, p. 345).

McConville et al. (1994) found in nearly half of the cases they examined that those providing legal advice at the interview stage advised suspects to answer or co-operate with police questioning. These authors also identified a marked unwillingness on the part of the legal representative to be actively supportive of suspects during interviews conducted by the police. Clarke and Milne (2001) considered the impact of the presence of a legal representative on the performance of police interviewers. In an analysis of 174 real-life interviews, these authors found no differences in police officers’ performance between those interviews where a legal representative was present and interviews without a legal representative (Clarke, Milne, & Bull, 2011). This suggests that the presence of a legal representative does not affect the outcome of an interview. However, Clarke et al. (2011) found that the presence of a legal representative did seem to reduce the willingness of suspects to talk to the police. These authors suggested that suspects are more likely to remain silent if a legal representative is present during an interview.

Following such concerns and recommendations made by the Royal Commission on Criminal Justice (RCCJ), the Law Society introduced a scheme of accreditation for legal representatives who are not qualified solicitors. This was an active attempt to counteract criticism about the prevalence of such persons attending at police stations and

providing the only form of advice and assistance to a suspect in detention and during an interview. This scheme consisted of a set of police station training manuals for legal representatives, aimed at improving standards for legal advisers. Additionally, the Law Society revised their guidelines to provide a clearer picture of what is expected of a legal representative during an interview (Newton, 1999).

The main text of the training manuals 'Becoming Skilled' contained a set of guidelines for use in the context of custodial legal advice (Shepherd, 1996). It described the five aims of skilled defence as: (i) to investigate the prosecution case (obtaining information to assist in the current and future conduct of your client's defence); (ii) to avoid your client giving evidence which strengthens the prosecution case; (iii) to influence the police not to charge your client because either their evidence is not strong enough, or they lack admission evidence from your client; (iv) to influence the police to accept your client is not guilty; and (v) to create the most favourable position for your client if he or she is to be charged (so that he or she will be found not guilty, or have mitigation if he or she pleads guilty). These guidelines made it clear that more is expected of a legal representative than simply sitting in on an interview to ensure fair representation. Further, these guidelines emphasised that when the need arises, a proactive approach regarding intervention and advice to suspects is required.

5.3 The Present Study

In Chapter Three it was found that if a police interviewer holds negative attitudes towards suspect from a certain group, s/he may either; (i) ask excessive repetitive and guilt presumptive questions; (ii) make statements rather than asking questions; (iii) exaggerate the evidence strength; or (iv) even ignore the exculpatory evidence. In the

previous chapter, it was found more than half of the suspects perceived that police officers asked them repetitive guilt presumptive questions, either exaggerated the evidence or ignored the evidence that could have gone in suspect's favour and showed a hostile approach.

Following on findings from the previous chapters, the main aim of the present study is, therefore, to

- Examine the legal representatives' perceptions concerning police officers' attitudes towards suspects from ethnic minorities particularly Muslims, and
- Examine what legal representatives' actions were if they reported observing; (i) any negative behaviours towards suspects; or (ii) when the officers asked repetitive, and guilt presumptive questions; or (iii) they felt officers have ignored or exaggerated the evidence; or (iv) officers made statements inviting suspects to agree with them rather than asking questions.

5.4 Methods

5.4.1 Participants

The present study used semi-structured interviews with fifteen (males) very experienced legal representatives who had represented suspects from many ethnicities within England and Wales. Three of the lawyers were associates of the researcher, who each, in turn, provided contact details of a total of twelve criminal defence lawyers. All the participants had experience of representing suspects during police interviews. Their relevant experience ranged from three to 30 years ($M=8.6$ years, $SD = 9.1$ years). Participants' ages ranged

from 32 to 60 years ($M = 42.7$, $SD = 15.8$). Interviews lasted from 35 to 90 minutes with an average of 50 minutes. It was subsequently learned that eleven of the legal representatives who took part in the present study each had represented more than one thousand suspects. None were given any incentive or reward for their participation.

5.4.2 Procedure

Three of the defence lawyers (researcher's associates) were requested to recruit their fellow criminal defence lawyers to take part in the present study. They passed the researcher's contact details to those lawyers who were willing to participate (or on occasions the lawyers' numbers were passed to the researcher). At the first attempt with these contacts, the researcher was successful in securing agreement to interview eight further defence lawyers. The researcher then requested to these defence lawyers to ask their colleagues for participation. A further four defence lawyers were sourced through this route.

Having received ethical approval from the University of Derby, the researcher arranged meetings with each of the participants and conducted semi-structured interviews in participants' offices from March 2015 to January 2017. All the participants were informed that the interview will be audio recorded (if they consented) and that they were assured anonymity. Nine of the participants provided consent for their interviews to be audio recorded (the other six agreed only to notes being taken manually of the interview). Participants first were asked to provide their own interpretations of their range of experiences and perceptions during investigative interviews concerning police officers' attitudes towards their clients including Muslim suspects. Each participant was asked the

same standard set of questions, though where necessary, elaboration and clarification was provided.

5.4.3 Analytical Framework

The analytical framework employed in the present study is a thematic analysis of interview transcriptions. In the present study, the codes were both inductive and deductive, originating both from the researcher's theoretical understandings and from the participants themselves (Miles & Huberman, 1994). The researcher's approach to the present research is an *essentialist/realist* approach; consequently, in the present study, the analysis took a semantic approach (Boyatzis, 1998).

5.4.3.1 Inductive analysis

In the present study, themes were identified from the "explicit or surface meaning of the data" (Braun & Clarke, 2006, p. 84) that is a semantic approach (Boyatzis, 1998). The first step of the inductive analysis involved an initial reading of the research interview transcripts to gain familiarisation with the data. In the second reading, a line-by-line coding was undertaken to ascribe each sentence a code that described the main essence of the sentence. In the present study to code the data, the guidelines for conducting a thematic analysis constructed by Braun and Clarke (2006) were followed. Initially, all the data were coded, and codes were merged into larger units organising those that seemed similar in meaning content. This was followed by sorting the different codes into potential themes and collating all the relevant coded data extracts within the identified themes and sub-themes for each interview. The researcher used these codes for coding of final four of the 15 transcripts to elucidate the codes and link to each other. At this point, saturation

had occurred, meaning that no new codes emerged and, therefore, the researcher did not seek to interview further defence lawyers and data collection ceased.

In the present study, a theme was defined as the smallest unit that in a meaningful way could express the codes that were included in it. From the individual summary sheets, an overall list of themes was constructed. Themes were refined and grouped into clusters to form following the super-ordinate theme of ‘legal representatives’ perceptions concerning the interviewing practices.

5.4.3.2. Deductive analysis

This approach to thematic analysis was employed by the researcher to examine the perceptions of legal representatives concerning the attitudes of the police interviewers towards Muslim suspects. For deductive analysis, five constructs of the MIIPSS (see Chapter Three of the present thesis) were regarded as *priori* categories. Therefore the method used was category allocation. The five constructs of the MIIPSS are; (i) possessing negative perceptions; (ii) use of schema; (iii) guilt presumption; (iv) self-fulfilling prophecy; and (v) hostile approach. The researcher read through each interview transcript, using these five constructs as coding categories, ascertained whether any of these constructs were evident in each transcript. Essentially, the analysis was identifying the themes evident in the transcripts, consulting the description of each construct of the MIIPSS (as defined in Chapter Three), and moderating as to whether or not there was any evidence in the transcripts of a specific construct. The examination of each construct is given in the results section under the super-ordinate theme of ‘perceived prejudicial stereotyping’.

5.5 Inter-rater Reliability

Following the coding process of transcriptions, the researcher invited an independent PhD researcher with an established knowledge of thematic analysis to code a randomly selected seven copies of interview transcripts. The rater worked with clean copies of transcripts independently and did not know the researcher's coding results. The inter-rater reliability of identification of these two super-ordinate themes (i.e. (i) legal representatives' perceptions concerning the interviewing practices; and (ii) perceived prejudicial stereotyping) was examined using the Cohen's kappa. It was found that a Cohen's kappa 0.92 existed between the two sets of scores, demonstrating a strong strength of agreement (Fleiss, 1981).

5.6 Results

The findings are discussed and presented under the two main themes; (i) legal representatives' perceptions concerning the interviewing practices; and (ii) perceived prejudicial stereotyping. An analytical narrative was constructed, and extracts from the transcripts are presented to illustrate each of these two super-ordinate themes.

5.6.1 Legal Representatives' Perceptions Concerning the Interviewing Practices

This super-ordinate theme is comprised of four sub-themes that emerged which are consistent with the participants' reported observations concerning police interviewing practices. These sub-themes are; (i) legal representatives' perceptions concerning the tactics employed by the police interviewers; (ii) legal representatives' perceptions concerning the association between ethnicity and charging decision; (iii) legal

representatives' perceptions concerning the negative portrayal of Muslim community on police interviewers' attitudes; and (iv) police interviewers' attitudes in affluent and deprived areas.

5.6.1.1 Legal representatives' perceptions concerning the tactics employed by the police interviewers

Nine of the participants reported that police interviewers make legal representative wait as long as possible in the police station before the formal interview begins to, what they perceived, 'frustrate them'. As lawyers do not want to be in the police station any longer than is needed, such delays, participants said, may result (in certain instances) in suspects not receiving the quality of advice that they should be given. For instance, participant (06) stated,

"So, the fact is that previously the payment structure was on an hourly basis, so if a solicitor sat there and gave proper advice and went through every bit of evidence and it took the time it would not be an issue because you get paid hourly. Now that it's a fixed fee structure, so whether you are there for an hour or five hours, it's still the same fee that you are getting. And, unfortunately, what I think is happening is that people are not taking the same amount of time and care of giving the advice because they want to get out as quickly as possible, because at the end of the day it's a business. I do think that some police officers try to manipulate the situation. That is a tactic sometimes used, make solicitors wait outside for ages, et cetera, and will make solicitors wait, so they get annoyed and they don't want to be there any longer".

Seven of the participants stated that the police interviewers in some cases try to persuade the suspects that the legal representative is going to take too long to arrive, and

so suggest to suspects that they should conduct ‘a quick interview’ with them, further advising that such expedience will mean a quicker release from their detention in the police station. For example, participant (13) encapsulated it as,

“A very common tactic that police use is to tell suspects that solicitors are going to take hours, take too long to get there and just come up quickly have an interview, you will be out of here very quickly and when suspects do not have solicitors they are more prone to making admissions where they would not necessarily make those admissions if they were legally represented, but there you have it. I do not think that has anything to do with ethnicity. I think that’s a very common practice”.

When describing their perceptions concerning the disclosure of evidence, twelve of the participants reported that in volume crimes police interviewers disclose all the evidence they have. However, in serious crimes police interviewers tend to withhold information from solicitors. For example, participant (14) described

“But in the most serious cases police will normally withhold information back from lawyers before...well, they withhold information back to a certain extent, they want to know what the client has to say before they disclose any evidence”.

5.6.1.2. Legal representatives’ perceptions concerning the association between ethnicity and charging decision

Eight of the participants stated they had observed in some instances that suspects’ ethnicity had seemed to play a role when the police officers decided whether to pursue a charge against a suspect. For example, participant (01) described,

"I have represented clients up and down the country. Birmingham, there was a time where there were lots of black people, and magistrate courts were full of black people. They just disappeared. But, now there are more and more Asian Muslims or eastern Europeans. I would say that if they (police) find an eastern European, say a petty theft or small amount of class A drugs, say low-level theft maybe £20, £30, they would let it go. But, if they find an Asian Muslim youth with such theft or a small amount of class A they will definitely charge him".

Participant (14) reported it as,

"There are certain areas in Birmingham where it's not only Asians dealing; there are other communities also involved in dealing. However, they are (police) more concerned into Asian Muslim areas. Perhaps they believe that loads of Asians are involved in dealing, and it would be easier to arrest them, to meet their targets".

Whereas, participant (09) described it as,

"It's already in their mind that, obviously he must have done something and how should we get it out, if the suspect is known Asian Muslim or known black. Whereas, if a suspect is a typical white person the question would be whether or not he has done it and then attitudes when deciding whether just to caution them or charge them. The attitude towards a white person would be very different. Let me give you an example. I went to the police station to represent a client, and there was a CCTV footage, a white girl, entered in a shop, started throwing things from the shelf, broke a bottle of vodka, threw it on the till, the guy on the till was Asian. You could see clearly in the footage that he was bleeding, a big long cut on his face. I thought that she would be charged with serious offences, for example, drunken disorderly, assault, but the Sergeant said to me that if she

pleads guilty, which she has to because it's all on CCTV, we will caution her and send her to alcohol rehab. I was really surprised obviously, in the best interest of my client I could not tell the Sergeant to charge her, and she was cautioned and sent to rehab."

However, four of the participants reported that while representing their clients in police interviews they observed police officers treat suspects fairly regardless of their ethnicity. For example, participant (10) reported

"I would not want to tar the whole police force with the same brush. I think the police force does generally do a good job, relatively speaking and then given all the pressures that they have. But, the police forces are also aware of Islamophobia, you cannot say that they are not aware of Islamophobia. How much of it they suffer from themselves is something that needs to be quantified. However, I have never observed police interviewers treated my client unfairly due to his/her ethnicity or religion".

5.6.1.3. Legal representatives' perceptions concerning the negative portrayal of the Muslim community on police interviewers' attitudes

Ten of the participants stated that police officers' attitudes might well be affected by what is in the public eye. For instance, participant (15) described

"Some of those prejudices, unfortunately, are against Muslims and police officers see it day in day out, and they have their prejudices too. We are all human. We are all affected by what is in the public eye, what is in the media which unfortunately taints the rest of us and people do see Islam or Muslims in a bad way, and people cannot get past their own prejudices. And, people fear what they do not know, what they do not understand and sometimes those fears play a big part as well. Well, at the moment like I

said the political hot potato is grooming, so Asian men happened to be Muslims having sexual relations with a white woman automatically the police officer will probably ask the question of grooming or looking to groom. Whereas if it's a white male and a white female in the same situation that may not cross their mind. So, I think again people are influenced with what's going on or what is...it's a political hot potato at the moment, so I think that does affect the way police work, yes".

Further, participant (01) reported,

"I had an Asian Muslim client who was arrested for endangering an aircraft. The way he endangered the aircraft was that he flashed a laser light to a police helicopter and got arrested. The custody Sergeant did not know what that offence was. However, his first reaction was because the suspect was a Muslim because he was from an ethnic minority area, the first reaction in the police station was that they had a suspect related to terrorism offences. When I went to the police station, they already thought that he is a terrorist and we have got a terrorist at the police station. I did not know much about this particular offence at that time. I looked through the magistrate court guide and could not find anything; then I asked the Sergeant, he replied, oh, these are special legislations I think you need to find it in the Terrorism Act. However, another Sergeant, who had dealt with such incidents before, said, if he admits we would send him to the magistrate court and that's what happened. My client went to the magistrate court; he was fined £80. I was really shocked to see this in the local newspaper the next morning, on the front page, a Muslim fined £80 for endangering an aircraft. It was not a report that he was fined £80. It was a report that emphasised, look, he has done such a heinous crime, and he has been let off with just £80 fine".

Eight of the participants stated that terrorism-related incidents might have impacted police investigations concerning Muslim suspects. For instance, participant (07) reported,

“They may because the media is very strong and influential, right, and at the end of the day everybody is a human being...there is a terrorist incident a few days ago in France, 12 people have unfortunately been killed, right, and obviously the people would suspect these people that minority or society is breeding terrorism. But, then again the media is strong, they influence the society, other societies and when there is an obviously... it would be unfair to them, how do they know...if there’s 20 Muslims there, how do they know that one is a terrorist, and the others are not, right, because they will suspect all the society, which you have got to be fair to them as well, because you have got to see their point of view as well. They have got children, they have got families. Yes, they are professional, they have got to do their job right and if one particular society keeps on doing something like that then obviously they will have the perception, they will have all this. If one society is committing robberies, they will know that, oh, yes, this community is involved in terrorism, robberies, cases like in Rotherham, I think, or Rochdale”.

Further, participant (12) stated it as,

“Well, I am sure that whatever is part and parcel of the general information which is available from the television or the internet or the newspapers and so forth affects police officers just as much as it affects anybody else in society. It’s just that they are in a different position and they have to deal with people and so forth and any bias they have does far more damage. They are well trained to recognise even their own biases and so

forth, one hopes at least, and they are able to contain that and not let it interfere with the investigation. But, then again like the rest of society, they too are human beings, and sometimes they will not be able to do that, or it will affect their questioning. Unfortunately, I have observed that in fact, this affects their investigations and questioning”.

Further, four of the participants described that such portrayal might also affect Muslim police officers’ attitudes towards Muslim suspects. For example, participant (06) described,

“In my experience, if you have an Asian Muslim police officer, just so that he can show to his employers, to the police, that he is not biased he would be harder on Asian clients. Asian suspects that he would on white suspects, just so that he is not accused of being racist in favour of the Asians. So, it’s almost like a double negative.”

5.6.1.4. Police interviewers’ attitudes in affluent and deprived areas

Ten participants reported they have observed police officers’ attitudes are more hostile in deprived areas as compared to affluent areas. These participants also reported that police officers ask guilt presumptive questions when conducting interviews with people from deprived areas. For example, participant (01) described

“In my observations, there are police stations that they do have stereotypical branding and attitudes are different in different areas, particularly in London. These attitudes are different in south London deprived areas where the predominately black community lives, for example, Brixton and that area. If you are in Brixton police station, Brixton has a reputation and the officers there are convinced that they are dealing with

the most hardened criminals. They perceive, they arrest, and they investigate differently. They question them differently. Their attitudes are different. Whereas, if you come down to...if you go further south towards, a slightly more affluent area, attitudes are very different. Interview techniques are different. So, that's my opinion. I have represented clients up and down the country".

Further, participant (06) encapsulated such observations as,

"If you have a police station which deals predominately with middle-class white people there is a different kind of policing that is needed, and crime is probably perceived not as prevalent, or certain types of crime are not as prevalent, for example, the better parts of Sutton, nice parts of Edgbaston. Whereas if you contrast that with deprived areas, for example, police station which deals with the ethnic minorities, such as, Small Heath, Sparkhill or Sparkbrooke, where there is a lot of Asians, and they deal day in day out with Asian suspects, prisoners, then I think that they are...that does affect them, that does affect the way they police them because of that, because of the experiences they have".

Seven of the participants stated that they have observed in certain localities police interviewers' attitudes towards suspects from minorities and Muslim communities may have been affected by prejudicial stereotyping. For instance, participant (14) described,

"In certain part of the country, for example, in (city name) or in (city name) or (location) side they do not get many Asians or Muslim suspects and when they do get Asian Muslim suspect they have got that particular stereotypical impression of them that either they are involved terrorism-related offences, money laundering, drugs or they must be involved in something dodgy".

Four of the participants reported that in predominately ethnic minorities and deprived areas police officers' attitudes are different not only towards suspects but also toward their legal representatives. For instance, participant (05) encapsulated,

“There are variations in attitudes between certain police stations, deprived and affluent areas, or police officers might have a certain reputation. I would not say it is everywhere, but I would say in particular police stations, especially in predominately ethnic or deprived areas, even the legal representative when you turn up to the police station their attitudes are also negative toward you. You can feel this. You are going to represent a suspect from an ethnic minority, and you are a solicitor from an ethnic minority”.

5.6.2 Attitudes of the Interviewers towards Muslim Suspects as Perceived by the Legal Representatives

This super-ordinate theme is comprised of five sub-themes which are consistent with the participants' perceptions concerning the police officers' attitudes towards Muslim suspects. These sub-themes are; (i) possessing negative perceptions; (ii) use of schema; (iii) guilt presumption; (iv) self-fulfilling prophecy; and (v) hostile approach.

5.6.2.1 Possessing negative perceptions

As was noted in Chapter Three, interviews may be affected by police officers' negative *perceptions towards suspects from certain groups*, if research participants reported observing either; (i) the interviewer's perceived attitudes towards interviewee were negative; or (ii) there was a lack of empathy; or (iii) there was an absence of good relationship (or rapport) between the suspect and the interviewer.

Nine participants reported that they had observed instances where interviews seemed to be affected by police interviewers' negative attitudes toward Muslim suspects. The majority of these participants reported that the police interviewers were unfriendly during such interviews and their attitudes appeared biased toward their clients. For instance, participant (02) stated,

"I have observed when representing Muslim clients that some officers have got attitude problems and it affects interviews badly, so I would say it's the officer's problem, not as a whole."

Seven of the participants reported that they had observed instances of non-verbal occurrences of negative attitudes such as a police officer 'nodded her/his head' or 'shrugged his/her shoulders' possibly to make their Muslim client uncomfortable. For example, participant (14) described,

"You can see their expressions. The majority of the interviews are audio recorded, you can observe their attitudes, expressions, and they are not friendly, they look anxious, annoyed..."

Whereas, participant (12) reported it as,

"I observed negative attitudes on many occasions, but it's hard to explain. A lot depends on who the police officer is. Some police officers probably have that, but they do not bring it to the forefront, it's all done behind closed doors, manipulate evidence, etc. They would not bring it to the forefront because they know if they bring it to the forefront they will be in trouble".

Nine of the participants reported that in the light of their observations they believe that the particular nature of crime may affect police interviewers' attitudes towards a suspect. For instance, participant (13) stated,

"Some suspects will be treated differently; if they are drug addicts or alcoholics or drug dealers, they would be charged differently. Recently in the news regarding the sexual offences in Rochdale, the Asians, that's obviously put a bit of a spanner in the works, given a bit of a bad name to the Asian Muslim suspects who are arrested for sexual offences".

Participant (14) encapsulated it as,

"a native wearing a suit sitting in a police station is different, a guy wearing a typical gear with a beard, their attitude is different because in police officers' mind that he is culturally different, so he has more reasons to be on the wrong side."

Whereas, participant (09) reported it as,

"Well, I have heard people say that the police is institutionally racist. I have heard that saying many times, by many people. So, when you have got prejudice, you know, to the grassroots in that way, then there are. Unfortunately, it stems down, does not it, to all the smaller stations, et cetera. But, yes, I think it is prevalent throughout, unfortunately, the force, but maybe more so in some areas than others. I certainly think that a lot of police officers abuse their power. I have in the past been stopped by police officers. I have a nice car; I am an Asian Muslim man. If I am travelling late at night in Birmingham in a nice car, unfortunately, it might attract attention. But, when they speak to me, and they realise that I am not a drug dealer from certain areas of Birmingham, then they soon get the message, but they stop nonetheless".

5.6.2.2. Use of Schema

As was noted in Chapter three, possible reasons for police officers' negative attitudes towards suspects may be due to either; (i) suspect's group membership; or (ii) suspect's ethnicity; or (iii) suspect's religious beliefs; or (iv) suspect's previous criminal history; or (v) the particular nature of the crime (such as sexual crimes, paedophilia or drugs related crimes); or (iv) specific crime-related location.

Eight of the participants perceived that (in some instances) police officers' negative attitudes toward suspects may be due to suspects' ethnicity. These participants stressed that they believed police interviewers treated the suspects with negative attitudes due to suspect's ethnicity. For example, participant (06) stated,

"Unfortunately, from my point of view a lot or probably 80% plus of the people that I represent are from the Asian Muslim ethnic origin, unfortunately, but there you have it. So, the way I have...the way some police officers view Asian suspects is that they are guilty before they have even tried. The police officers view them as guilty because they are Asian. It's quite clear sometimes that they are not information gathering. They are trying to prove a case against them".

Furthermore, participant (02) stated it as,

"Police officers make the assumption on the basis of suspect's ethnicity that in their opinion they committed a particular crime. That's their opinion. It's not evidence. It doesn't hold any weight in court. I give you an example; domestic violence where husband and wife have an argument; wife calls the husband on the police, he gets arrested and then says he has probably beaten her because she has got a lot of bruises. Again, that

is not only the Asian community or certain ethnicity. It would be across the board. But if its Asian suspect they assume that he is guilty, he committed the crime. With the drugs it's more they do the drugs if a young guy is driving a flashy car. Then if they arrest him, they will start asking him questions, and they would automatically assume that he is a drug dealer if he is Black or Asian”.

Seven of the participants reported that in the light of their observations, on occasions they felt that police interviewers perceived negative attitudes toward their client could be due to their client's Muslim background. Participant (07) reported,

“Whether they are able to contain their own prejudices or not, I am not saying police officers do not have prejudices; they like the rest of society will also have prejudices and will have their own preferences. How much they are able to contain them depending on the type of offence that they are dealing with or the ethnicity of the person they are dealing with, or the religion of the person they are dealing with is a different matter altogether. There are, of course, instances where I felt that their (suspect) ethnicity or their religion had affected the interview, or their explanation being understood or even being registered, adverse to their interests because of their Muslim background”.

5.6.2.3. Guilt presumption

As was found in Chapter three, interviewers could be *presuming suspects as guilty* when they; (i) ask guilt-presumptive questions (i.e., questions displaying the interviewer's confirmation bias); or (ii) ask provocative questions; or (iii) demonstrate bluffing tactics; or (iv) demonstrate inflexibility (e.g., interviewers' did not adjust their stance in light of new information received from the interviewee); or (v) react to the suspect's behaviour with destabilising, disturbing, or confusing (non-verbal) responses.

Eight participants reported that on a number of occasions they had observed police officers presuming their clients to be guilty of the suspected crime from the very beginning of the interview. These participants reported the police officers asked repetitive questions to try to prove a case against their clients. For instance, participant (05) reported,

“Obviously interviews are tape recorded in the presence of a solicitor or appropriate adult. They cannot be that hostile or cannot go overboard and do things which are not appropriate. But, as I said, the attitude is that, yes, we are convinced you have done it, why do not you tell us. If he is a non-Asian or not a black person, if he says, well, I did not do it, or I was somewhere else they would just take it. They would just take his words. However, with a black or an Asian or a Muslim they will keep on questioning, and with these clients, interviews are normally longer than usual”.

Another, participant (11) encapsulated it as,

“When a suspect is Black or Asian, they come to interview with the assumption that they are guilty before they have even tried. They can be quite pressurising at times. I think that comes with experience. Some police officers will just repeat the questions where clients would not give them answers; again experience will bring that. Experienced police officers they might have a slight different harsh technique of asking questions, but those are the senior officers, so they are trained better because they have been in the job for a long time and they know all the tricks of the trade. In some aspects, it depends on what the offence, usually that can make a difference”.

5.6.2.4. Self-fulfilling prophecy

It was also found in Chapter Three that interviews could be affected by police interviewers' *self-fulfilling prophecies* if interviewers; (i) overweighed the evidence; or (ii) ignored evidence that could have gone in any suspect's favour (or at least not led to the belief of guilt); or (iii) either maximised or minimised the nature of offence; or (iv) repeatedly accused interviewees of the crime(s); or (v) repetitively asked leading questions.

Six participants reported that they had observed one or more of these while representing their clients during investigative interviews. Three of these participants described the police officers' presumption of guilt even though there was no evidence to connect their client to the crime. These participants reported that the police officers still tried to connect their clients to the crime with 'irrelevant' evidence. For example, participant (02) described,

"Some police officers get over excited and ask questions which are not relevant because there is no evidence they make the assumption that in their opinion suspect had committed this crime. That's their opinion. It's not evidence. It does not hold any weight in court. I have seen interviewers exert pressure on suspects even when a solicitor is present as solicitors we will intervene and tell the police officers to take a step back and we prevent that because we have a duty to look after our clients' rights".

Three of the participants reported that they felt on a number of occasions that police officers exaggerated the evidence and arrived at a conclusion that goes beyond what the evidence justifies. These participants stated that even though the CPS charged their clients, the court dropped the case because the evidence against them was not strong enough or did not exist. For example, participant (04) reported

“I would not say its racism; I believe it’s about police priorities or political hot potato. I am not a Muslim; if you are talking about ethnic minorities or Muslims, I give you an example, I have seen a police officer who was from the same race as my client, same religion as my client. He was coming up with every piece of evidence which might align with his belief to get a conviction for my client. On the other hand, every piece of evidence which my client was submitting in his defence that a particular police officer was making every effort to exclude it. He took it too far; it was annoying to me as well being the defence lawyer, the way he was dealing with that particular investigation. The matter could have been resolved without going to the court, but we ended up in the court, and finally, the honourable judge dismissed that case”.

Further, participant (02) reported,

“When they are investigating or interviewing a Muslim suspect it depends if they are investigating an offence where there is terrorism-related suspicion or money laundering. I have seen that they are convinced that, yes, he has done something wrong and how should we get it out”.

Four of the participants reported that they observed the instance where police officers asked repetitive questions to their clients. Participant (05) reported,

“Only in certain cases sometimes the questions put to a suspect, it’s very repetitive. In such instances, although I pause the interview as a result of repetitive questions, police officers would come up, for example, this is completely a new question, but actually that’s not a new question it’s the same as the previous question. You can understand where they are coming from if you are in that environment...”

Another, participant (14) reported,

“I had a client where somebody went to the police and said that it has come to their knowledge that my client is involved in a conspiracy to kidnap a police officer. It was also in the news a few weeks ago, before Christmas. In fact, my client had nothing to do with it; he was not aware of anything. He was affiliated with a mosque, he had a beard, and he was a bit active in the mosque. Police arrested him, took him to the police station, and interviewed him. It was also in the news, a Muslim suspect arrested for conspiracy to kidnap a police officer. He did not have a clue. After interviewing he was released with no further action. He had absolutely no idea, and now the police are in the process of making further inquiries and arresting those who made this complaint. As I said, this is typical...because he was a Muslim, he goes to the mosque, he must have a reason to kidnap somebody”.

5.6.2.5. Hostile approach

Interviewers may be considered as *hostile* if they; (i) appear oppressive (e.g., instances of undue pressure, bullying, or continual challenge); and/or (ii) ask persistent and coercive questions during the interview (see Chapter three). All the participants stated that in every interview they are alert to questions that may be oppressive, becomes aggressive, offensive, insulting, or threatening. Five of participants reported that they observed instances of oppression such as; (i) continued repetition of questions which have already been answered or to which a “no comment” answer has been given; or (ii) an officer raising his/her voice or becoming angry; or (iii) from continued interruptions of the suspect by the officer. These participants reported that they immediately intervened when they felt that the interview became oppressive. These participants stated that due to the persistence of such behaviour, they sought to suspend the interview and made

representation to the custody officer/senior officer. For instance, participant (07) described,

"that police officer was very aggressive, and his attitude was not the one he was going to ask questions. He was so angry with my client; if he had a chance he could have punched him, he was very aggressive, he whispered something which we were unable to hear, even the tapes did not pick it up. I think he would have been in trouble. Because I believe he said something very negative and racial".

5.7 Discussion

The present chapter sought to examine legal representatives' perceptions as to whether police interviewers appear to use negative stereotypes towards suspects from certain stigmatised groups. Firstly, this chapter examined whether police officers employed tactics that are not in line with the current ethos of police interviewing practices in England and Wales (as outlined in the PACE Code C) and as described in the framework that officers have been trained in (i.e., the PEACE model). Secondly, the current chapter explored what the responses of legal representatives were when they perceived that police interviewers were not adhering to PACE guidelines (e.g., when they reported observing excessive repetition of questions or police officers making statements and inviting suspects to agree with them rather than asking questions). Finally, given the identification of five constructs of the MIIPSS (as outlined in Chapter Three), the present chapter examined if legal representatives perceived that the police interviewers displayed any negative stereotypes towards Muslim suspects, to what extent these legal representatives believed that such negative stereotypes transform into hostile and discriminatory behaviour?

From the findings (relative to the legal representatives' beliefs concerning the tactics employed by the police interviewers) it appears that police interviewers employ various tactics including; (i) making legal representatives longer wait; (ii) try to persuade the suspect to go into an interview without legal advice. The PACE Act legally imposed, a standardised and structured set of procedures to which the police interviewers must adhere or risk the interview being ruled inadmissible in court. Following the introduction of PACE, there was evidence which suggested that more suspects asked and were granted legal advice (Irving & McKenzie, 1989). Additionally, PEACE interviewing training also emphasised that police interviewers should not only ensure that suspects were made aware of their right to legal representation but that they should encourage suspects to exercise that right (Bull, 2014). In the light of reported observations by legal representatives if police interviewers are indeed employing such tactics, then they may have been breaching PACE Act and ethos of PEACE model (whether it is occurring by making a legal representative unnecessary wait or perusing a suspect to go into an interview without legal advice).

More than half of the participants stated the police officers are more likely to seek a charge from the CPS if a suspect is of Black or Asian Muslim ethnicity. These participants also emphasised that if the investigation is related to alleged drugs offences, then they believed that there is even a greater likelihood that Black or Asian Muslim suspects would be charged, as compared to their White counterparts. This finding suggests legal representatives' perceptions include their suspicions about the ethnicity of suspects and subsequent decisions whether to seek a charge from the CPS or not. Further findings related to the participants perceiving the negative portrayals of the Muslim community in the media that may, in turn, affect police officers' attitudes towards Muslim

suspects. These participants stressed that terrorism-related offences and more recently the link between sexual offences to Asian Muslims might have worsened the impact of such stereotypes on police investigations.

Such negative racial and religious stereotypes could contribute to biased decisions concerning members from certain stigmatised minority groups (Mears, Stewart, Warren, & Simons, 2017; Correll et al., 2007; Fazio, Jackson, Dunton, & Williams, 1995). Negative stereotypical portrayal related to individuals from stigmatised groups can have a strong impact on how people behave towards members of these groups (Mears et al., 2017). These negative stereotypes are automatically activated when exposed to individuals of stigmatised groups, which might well potentially influence police officers' decisions (Banaji & Greenwald, 1995; Devine, 1989; Fazio et al., 1995; Greenwald, 1992; Macrae & Bodenhausen, 2000). As such, it was found in the present study that one-third of the participants reported they had observed instances where the ethnicity and religion of a suspect may have played an important role when officers decided to seek a charge against the suspect. These participants said they witnessed instances when a White suspect was released whereas a charge was sought against an Asian Muslim suspect when the alleged offence was of a similar nature.

When police officers are exposed to negative behaviours by individuals from certain minority groups; they may overestimate the predominance of such behaviours, which may reinforce pre-existing stereotypes (Hamilton & Gifford, 1976). Prejudicial stereotyping is probably the after-effect of unconscious stereotyping, re-emerging either from differential presentation to group criminality or by an illusory correlation phenomenon. In turn, this may lead police officers to possibly overestimating the pervasiveness of negative behaviours among members of the stigmatised community

(Smith & Alpert, 2007), which may well be an explanation why suspects from stigmatised communities are charged more often.

It was also found that some of the participants perceived the police officers' attitudes as being different when suspects came from deprived areas. More than half of the participants perceived that police officers treated suspects from deprived areas (regardless of their ethnicity) inferior to those who came from more affluent areas. Police officers may believe that people from deprived areas are more likely to be involved in criminal activity (Bowling, 2018; Bowling & Phillips, 2007), which may affect their attitudes towards suspects from such neighbourhoods. As police officers' perceptions concerning the suspects coming from deprived areas may affect their attitudes, similarly the negative portrayal of the Muslim community in the public discourse (i.e., more likely to be involved in a particular crime such as terrorism or sexual offences) may also equally affect police officers attitudes. This may well be an alternative explanation why suspects from stigmatised communities are charged more often (as perceived by these legal representatives).

The second qualitative theme of 'perceived prejudicial stereotyping' is novel to the present study. When reflecting on their perceptions concerning police officers' attitudes, two third of the participants reported that they had observed instances of police interviewers' negative attitudes towards Muslim suspects. These participants felt that the police officers' such negative attitudes towards their clients might be due to either their ethnicity or their religious beliefs. When exploring legal representatives' beliefs concerning whether police officers were perceived to judge suspects as guilty on the basis of perceived negative attitudes (see Chapter Three), more than half of the participants reported they had observed instances where police interviewers presume the suspect

guilty and asked guilt presumptive questions. These participants reported that such presumption of guilt could be due to either; (i) a suspect's ethnicity; or (ii) a suspect's religion; or (iii) the particular nature of the crime (such as sexual crimes, drugs, or terrorism-related offences).

One-third of the participants reported that they observed instances of self-fulfilling prophecies displayed by police interviewers. Self-fulfilling prophecy is a "false definition of the situation evoking a new behaviour which may make the originally false conceptions come true" (Merton, 2016: p.477). This could happen when an interviewer fails to understand how his/her own belief has helped him/her to construct a false reality (Biggs, 2009) and he/she becomes so focused on an individual or incident that no other person or incident registers in his/her thoughts. In the present study, it was found that police officers on occasions were believed by the participants due to suspects' ethnicity or religious beliefs to have either (i) asked repetitive questions; (ii) exaggerated the strength of evidence, or (iii) became so fixated to charge the suspect that they ignored the evidence that could have gone in the suspects' favour. Such investigative approach results in tunnel vision, which is a product of multiple processes including cognitive distortions such as confirmation bias (Findley & Scott, 2006). The limited existing research suggests that the occurrence of tunnel vision is arguably higher in the investigative process when the suspect is from a stigmatised community (Hall, Hall, & Peryy, 2016; Roach & Trotter, 2005) which may well be another possible explanation why suspects from stigmatised communities are charged more often.

To what extent can negative stereotypical attitudes result in discriminatory behaviour? In the present study, nearly two-thirds of legal representatives reported that they had observed police interviewers asking the suspects guilt-presumptive questions,

believing police officers had also adopted negative stereotypes. It was found nearly a third of the participants believed that on occasions, interviews with Muslim suspects could have been affected by what they perceived as police officers' self-fulfilling prophecies. It was further found that a quarter of the legal representatives mentioned instances of perceived interviewers' hostile and discriminatory behaviour towards their Muslim clients.

5.8 Limitations and Future Directions

Semi-structured interviews for assessing participants' perceptions are prone to errors resulting from cognitive and motivational biases as they are reliant on their self-reports (Ehrlich & Rinehart, 1965). During the semi-structured interviews conducted for the present study, legal representatives may have exaggerated their responses or their responses that could have been affected by their own biases either against the police or the suspects. Additionally, since the participants recalled events (sometimes from what may have been several years earlier) concerning their range of experiences, it is possible that some of those memories might have been affected by such a time delay, or in that intervening period they may have conferred with others (which may have led to either memory distortions or source monitoring errors). Future researchers should minimise the time delays between police interview and research interview to lessen these possible effects.

Although the sample recruited was rather small, it is important to acknowledge that the legal representatives have been ones traditionally found to be hard to reach for voluntary research purposes (the present study is the first as far as it is known, to gather legal representatives' views within the context of investigative interviewing of suspects).

However, thematic saturation was evident; therefore, a large sample may have been of little additional benefit. It is important to recognise that the super-ordinate themes presented in the present study resulted from the researcher's interpretations of the data. These interpretations may be influenced by the researcher's biases either against the police or the legal representatives. However, a strong Cohen's kappa of 0.92 between raters suggested that this might not be the case.

Further, it would be beneficial in future studies to compare and contrast the experiences of legal representatives concerning the investigative interviewing with different populations (as the focus of the present study was on investigative interviewing of suspects from the Muslim community). Such research would help to determine the implications of prejudicial stereotyping in greater detail within the context of investigative interviewing and criminal investigations.

5.9 Conclusions

As was noted in the present study that participants reported police interviewers as employing tactics which, if accurate, may well be contravening both PACE and the ethos of the PEACE model (e.g., by making a legal representative wait unnecessary or attempting to persuade suspects to be interviewed without legal representation). The present study also noted that participants believed that the negative portrayals in the media might affect police interviewers' attitudes towards Muslim suspects. These participants suggested that terrorism-related offences and the link between sexual offences to Asian Muslims might even have worsened the impact of such stereotyping on the outcome of an investigation. As any negative stereotypical portrayal related to the individuals from certain minority groups could have a strong impact on how people behave toward

members of these groups (Hall et al., 2016; Mears et al., 2017). Additionally, police interviewers were perceived by the participants as being more likely to seek a charge against the suspect if he/she was of Black or Asian Muslim ethnicity. For example, participants recalled White suspects being treated more leniently than Asian Muslim suspects despite the alleged offence being of a similar nature.

Given such reported beliefs found in the present chapter, thus, the following chapter will examine further whether suspects' ethnicity or religious background could influence police officers' judgments. Following chapter will also examine whether such judgments could influence the outcome of a criminal investigation when investigating a similar crime, but suspects are from different groups of the community.

Chapter 6 A Qualitative Comparative Analysis of Religious and Racial Stereotypes in Criminal Investigations

6.1 Introduction

In the previous chapters, the role of prejudicial stereotypes within the context of investigative and interviewing processes has been examined from a number of different angles (i.e., from stop and search practices to investigative interviews). Examination of Asian Muslim suspects and Legal Representatives' perceptions concerning police officers' attitudes during interviews have shown that the suspects' ethnicity and religious beliefs may lead some interviewers towards guilt presumption, self-fulfilling prophecy, and in some instances hostility and discriminatory behaviour. It was also noted that some suspects and legal representatives perceived that the ethnicity and religious background

might have played a role and influenced the outcome of investigations. The current chapter moves on to put this work into context on the role of ‘suspect’ community stereotyping and criminal investigations, to examine whether suspects’ ethnicity or religious background could influence police officers’ judgments. Further, this chapter will also examine whether such judgments could influence the outcome(s) of a criminal investigation when investigating a similar crime, but suspects are from different groups of the community.

6.2 Background

Prior research concerning unconscious racial stereotypes has provided reasons to feel uncertain as to whether individuals can make impartial decisions about members from certain minority groups (Correll et al., 2007; Fazio, Jackson, Dunton, & Williams, 1995; Mears, Stewart, Warren, & Simons, 2017). Such research has suggested that prejudicial stereotypes that exist against individuals from certain minority groups can have a strong impact on how people behave toward members of these groups. Prejudicial stereotypes appear to be unconscious, implying that even somebody, who overtly claims to be fair-minded, may demonstrate biases in decisions on an implicit level (Lammers & Staple, 2011). These negative stereotypes are often automatically activated when exposed to individuals of stigmatised groups, which might well potentially influence people's decisions (even if people do not want to be influenced by them) (Banaji & Greenwald, 1995; Devine, 1989; Fazio et al., 1995; Greenwald, 1992; Macrae & Bodenhausen, 2000).

Certain ethnic minorities are frequently negatively stereotyped to have characteristics that supposedly make them more inclined to take part in criminal behaviour (Correll et al., 2007). For example, Ware (2007) argues that the stereotyping

of young black men as dangerous criminals is deeply embedded within police culture. Such negative stereotypes may influence how actors of the criminal justice system treat suspects from these ethnic minorities (Lammers & Staple, 2011). Decisions made by actors within the criminal justice system (i.e., police officers and judges) can have serious consequences for the people involved. Recent research has suggested that racial stereotypes influence even imperative decisions. For instance, a police officer's decision whether to shoot a potentially armed suspect has been argued to be influenced by the suspect's ethnicity (Correll et al., 2007; Hall et al., 2016).

Illusory correlation is a further possible explanation of racial stereotyping by police officers (Smith & Alpert, 2007). In brief, illusory correlation is an implied relationship between two classes of events that are either not as associated or are correlated to a lesser degree than that reported (Chapman, 1967). The presence of an illusory correlation between distinctive behaviours and minority communities was initially found by Hamilton and Gifford (1976). These authors suggested that individual subjective reasons for the formation of group stereotypes may reinforce socially transmitted stereotypes. When police officers are exposed to negative behaviours by individuals from minority groups, they may overestimate the predominance of such behaviours, which may reinforce pre-existing racial stereotypes (Mullen & Johnson, 1990). Smith and Alpert (2007) suggest that the racial profiling is probably the after-effect of unconscious racial stereotyping, re-emerging either from differential presentation to group criminality or by an illusory correlation phenomenon. In turn, this may lead police officers to possibly overestimating the pervasiveness of negative behaviours among minority citizens (Hall et al., 2016).

The very nature of police work causes some police officers to have frequent communications with members of minority communities and socially disadvantaged communities that are disproportionately affected by challenging social issues (e.g., unemployed, poverty, housing) (Maynard-Moody & Musheno, 2003). Smith and Alpert (2007) argue that police officers mirror the general public from which they are drawn. It could be argued that once a community is constructed as ‘suspect’ in public discourse, it may affect the criminal investigative process towards the members of a ‘suspect’ community since the police officers too are drawn from the community, and they might also share such negative stereotypes.

The research studies discussed above have shown that stereotypes are cognitive structures contained within the mind of the perceiver, and they are composed of the perceiver’s knowledge, beliefs, and expectations concerning an identifiable social group (Mackie, Hamilton, Susskind, & Rosselli, 1996). From this perspective, at the initial stage of abductive reasoning (Fahsing & Ask, 2016), negative stereotypes may be triggered when officers make decisions concerning a certain suspect given their pre-existing mental image for the group to which the suspect belongs (Darley & Gross, 1983). Abductive reasoning is the first stage of any inquiry in which an investigator tries to generate theories which may then later be assessed (Fahsing & Ask, 2016). As such, “abduction is the process of forming explanatory hypotheses” (Peirce, 1965, p. 172). This suggests that unconscious stereotypes can be activated in police officers’ investigative decision-making process. Once activated, these negative stereotypes may influence relevant decisions concerning a suspect’s profile and perceived culpability. Hence, unconscious stereotype activation does not appear to require a perceiver to overtly endorse the stereotype (Correll et al., 2007). As such, the current chapter will investigate whether any

prejudicial stereotyping based on the suspects' ethnicity or religious background could influence police officers' investigative decision-making and the outcome(s) of a criminal investigation.

6.3 The Present Study

The present study, therefore, will add to the prejudicial stereotyping literature (concerning criminal investigations) in a number of ways. First, the present study involves the real-life police officers and examines whether prejudicial stereotyping based on suspect's background may influence their investigative decision-making. Secondly, in the previous chapter, it was noted that the legal representatives perceived the police interviewers as being more likely to seek a charge against the suspect if the suspect was of Asian Muslim ethnicity. These legal representatives emphasised that the negative portrayals of the Muslim community in the media may have affected police interviewers' attitudes towards Muslim suspects. Thus, the present study will also examine whether a suspect's Muslim background affects the outcome(s) of a criminal investigation. Finally, the present study employed an innovative methodological technique, crisp-set qualitative comparative analysis (csQCA), which enabled the identification of the causal relationship between racial/religious stereotypes and associated outcome(s) of a criminal investigation.

6.4 Methods

6.4.1 Materials and Procedures

To explore whether 'suspect' community stereotyping could influence police officers' investigative decision-making, the present study utilised information gathered

via semi-structured interviews, conducted individually with twenty serving police officers from a single police organisation in England. During these interviews the same scenario was put to each police officer in turn, only differing in the name of the suspect (which for one half of the sample referred to an indigenous person from the UK [Scenario A], while the other half was referred to a suspect with an obviously Muslim name [Scenario B]). The following written scenario was presented to officers:

Scenarios

You have been required to interview, an adult male named person, who is suspected of supplying class A drugs³. You have one statement from a reliable witness and a small amount of class A drugs were recovered. There is no other previous criminal intelligence available relative to the suspect. You have sufficient grounds under the Police and Criminal Evidence Act (1984) to interview the suspect.

(Where the named person in scenario A is Richard Fisher, and in Scenario B is Muhammad Ali)

Such scenarios aimed to examine whether the suspect's name could have any influence on police officers' subsequent decision-making and what they suggested should be the outcome of the criminal investigation. During the semi-structured interviews police officers were given at random either Scenario A or Scenario B (though ensuring that overall each case scenario was used an equal amount of times). In response to a given scenario, each police officer was asked to explain; (i) how would he/she prepare and plan

³ In England and Wales the penalties for supplying class A drugs range from up to life in prison, an unlimited fine or both (Powers of Criminal Courts [Sentencing] Act 2000).

the interview; (ii) what would be the possible points to prove; (iii) what was his/her opinion about the strength of evidence presented in the scenario rating it as either strong or weak; and (iv) what would be their suggested outcome of the investigation (see Appendix D for complete list of questions).

6.4.2 Participants

The present research used in-depth interviews with twenty serving police officers from a single force (of which 17 were males). Each interview lasted approximately 30 minutes. All the participants had experience in conducting interviews with suspects ($M=8.88$ years, $SD = 4.96$ years). Participants' ages ranged from 23 to 56 years ($M = 36.47$, $SD = 8.68$). All the participants reported receiving formal training regarding the interviewing of suspects.

6.4.3 Procedures

Following the completion and provision of an external research application to the relevant police organisation, the police management assigned an inspector and a sergeant as main contacts to the researcher. The police inspector invited the researcher to discuss the research aim and objectives. The researcher delivered a brief presentation, and an interview schedule was sent to the first contact who forwarded it to the police management for formal approval. Having received approval from the police and the home University, the sergeant (main contact) allocated dates to the researcher and arranged meetings with police officers to conduct interviews with them. The interviews were conducted between September 2015 and December 2015.

The police sergeant and inspector selected the participants. Participant numbers 1-3, 7-9, 13-14, 19-20 (of which 9 were males) were given Scenario A. These participants' ages ranged from 23 to 44 years ($M = 37.5$, $SD = 7.37$) and their experience ranged from 1 to 14 years ($M=8.8$, $SD=4.37$). Participant numbers 4-6, 10-12, 15-18 (of which 8 were males) were given Scenario B. These participants' ages ranged from 26 to 56 years ($M=36.7$, $SD=9.49$) and their experience ranges from 2 to 16 years ($M=9.6$, $SD=5.22$). Participants were informed of their right to anonymity and confidentiality before beginning the interview. Details of the rank, age, and relevant experience of each officer were recorded. Each officer was asked the same standard set of questions, though where necessary, elaboration and clarification was provided. Transcripts were prepared after each recorded interview, and these formed the basis for examination and analysis of the data.

6.5 Analytical Framework

The present research required an analytical comparison between two set of interviews to develop explanatory accounts which produce a given outcome (i.e., police officers' decision to charge the suspect with either possession of class A drugs or possession with intent to supply class A drugs). As such, a set-theoretic comparative technique – crisp-set qualitative comparative analysis (csQCA) was thought particularly well suited for the present research. A csQCA uses systematic and logical case comparisons to identify the combinations of logical factors that are unique to an outcome (Ragin, 2008), investigating comparatively the conditions under which these combinations of logical factors produced the outcome (Stokke, 2007). As such, it is believed to be an appropriate method for the present research as it aims to identify

pathways to officers' investigative decision-making as to whether to charge the suspect with either possession of class A drugs with intent to supplying or just possession of class A drugs (much less serious criminal matter) in response to the given scenario.

6.5.1 Qualitative Comparative Analysis (QCA)

QCA, a case-oriented approach was developed more than 25 years ago by Ragin (1987, 2000, 2008), and has gained recognition as an accepted methodology in the social sciences. Recent years have seen a rapid expansion of QCA use in research design, while the methodology is continually expanded and refined (Rihoux & Marx, 2013; Rihoux, 2013). QCA is an analytic technique that uses a systematic and logical case comparison based on the rules of Boolean algebra, to identify the combination of the explanatory variables that are unique to an outcome (Musheno, Gregware, & Drass, 1991). It identifies, according to 'causal regularities', key combinations of necessary and sufficient properties (i.e., independent variables called conditions in QCA terminology) that lead to a particular phenomenon (i.e., dependent variables called outcome in QCA terminology) (Rihoux & Ragin, 2008).

QCA is recognised as being one of the few genuine methodological innovations of the last few decades (Gerring, 2001). The QCA builds upon the binary language that George Boolean developed in the mid-1800s, which also forms the mathematical basis of computer technology (Stokke, 2007). QCA employs Boolean algebra, which does not manipulate numbers but, rather, systematises logical expressions to create a list of the configurations of circumstances associated with outcome (i.e., decision to charge or caution a suspect). QCA contains elements of qualitative and quantitative approaches, but it is grounded in the qualitative tradition of recognising the importance and uniqueness of

each case. Unlike conventional statistical methods (based on probabilistic approach) that examine the average effect of an increase or decrease of one variable on another, QCA (based on a deterministic understanding of causality) considers connections between attributes and outcomes regarding sets and set relationships. QCA strives to be parsimonious by discovering the smallest number of combinations of conditions that produce the outcome to be explained (Becker, 1998; Ragin, 1993; Soulliere, 2005).

QCA is a tool for the systematic comparison of cases. The result of a QCA analysis, an explanatory model which contains one or more causal paths to the explained outcome, is based on a constant dialogue between theory and evidence. QCA forces to the development of a model on the basis of theoretical information and selected variables, on the one hand, and empirical information on these variables in the context of specific cases, on the other hand (Marx & Dusa, 2011; Ragin & Rihoux, 2004; Rihoux, 2003). The goal of this systematic comparative case strategy is to “integrate the best features of the case-oriented approach with the best features of the variable-oriented approach” (Ragin, 1987, p.84). This approach consists of three central features: (i) the development of an explanatory model; (ii) exploration and discovery of similarities and differences in outcomes across comparable cases by comparing configurations of conditions; and (iii) identification of causal regularities that are parsimonious using systematic Boolean analysis (Marx & Dusa, 2011; Ragin, 1987; Rihoux & Ragin, 2008). Also, QCA simplifies analysis by dropping irrelevant factors. When two combinations that lead to an outcome are identical on all but one condition, that condition becomes irrelevant in the context of the other condition and can be eliminated, thereby reducing two combinations into one and simplifying the analysis (Cress & Snow, 2000).

6.5.2 Crisp-set Qualitative Comparative Analysis (csQCA)

Ragin (1987) presented csQCA as an approach to the qualitative learning of macro-social phenomena, such as whole societies and institutions. Such comparative analyses are also appropriate and have been applied to micro-social phenomena such as small groups and interactions (Drass & Miethe, 2001; Drass & Spencer, 1987; Rantala & Hellstrom, 2001; Soulliere, 2005). The csQCA techniques are based upon the matching and contrasting of cases which eliminate negligible conditions or trivial conditions to highlight the minimum necessary and sufficient conditions that can explain the (non)occurrence of the outcome (Ragin, 1987). This process of reducing, through Boolean algorithms, complex expressions into shorter combinations of conditions is called ‘minimisation’ (Rihoux & Ragin, 2008).

Minimisations can be performed with or without logical remainders. ***Logical remainders*** are logically possible configurations of causal conditions that researchers do not observe as empirical cases either because they are limited in their selection, or such cases do not (yet) exist (Ragin, 2004). Subsequently, every possible configuration of causal conditions, according to the conditions considered, leading to the outcome can be analysed. Minimisations with logical remainders lead to parsimonious (‘short’) solutions (Winand, Rihoux, Robinson, & Zintz, 2012). Thus, csQCA not only increases the prospect of discerning multiple pathways to an outcome (Cress & Snow, 2000), it also allows the researcher to identify the simple combinations of factors that lead to a particular outcome from the many combinations that are possible.

Performing a csQCA, in general, requires nine following distinct steps (Marx & Dusa, 2011, p.106):

1. Decide what outcomes need to be investigated
2. Select the cases for analysis with sufficient variations regarding the outcome
3. List the most significant conditions, which might contribute to an explanation of the outcome
4. In a csQCA both the presence and absence of condition or outcome are meaningful. It requires dichotomous data (1/0). This implies that for each case an explanatory condition is coded '1' if the condition is present for that case and '0' if the condition is absent in that case.
5. Code each condition for each case and bring this information together in a data matrix
6. Analyse the data matrix by specifying an explanatory model and resolving contradictions.
7. Transform the data matrix to produce a truth table.
8. Analyse the truth table and generate the most parsimonious explanation on the basis of the minimisation procedure which is available in csQCA.
9. Interpret the resulting explanatory models, both models which explain the presence of an outcome and absence of an outcome. The last step may allow researchers to identify mechanisms which link explanatory conditions to an outcome.

6.6 The Implementation of csQCA to the Present Study

A set-theoretic comparative technique – crisp-set qualitative comparative analysis (csQCA) was utilised to conduct an analytical comparison between two sets of interviews. In csQCA, each interview is conceived holistically, as a configuration of causal

conditions not as a collection of scores on variables. A csQCA does not assume that the effect of an explanatory variable is the same regardless of the values of other variables (Rantala & Hellstrom, 2001; Soulliere, 2005). Rather, QCA assumes that variables exert their influences in combination with other variables (Rihoux & Ragin, 2008). Indeed, Ragin (1993) asserts that “no value on any variable (categorical or interval) can be understood in isolation, but only in the context of the values of other relevant variables” (p. 306). This is an important foundation of QCA in that it looks at the way in which the conditions combine and work together to produce an outcome. Being a bridge between qualitative and quantitative approaches, QCA allows for a holistic and broader approach as is often desired with social research to consider the context in which the behaviours occur (Rantala & Hellstrom, 2001).

By identifying the necessary and sufficient conditions for an outcome, csQCA offers a deterministic understanding of causality and is ideal for answering questions that are interested in cause and outcome (Marx & Dusa, 2011). As such the present research aimed to examine whether suspects’ Muslim name “causes” a different “outcome” of the criminal investigation. To analyse a complex set of interviews, csQCA is considered well-suited because the present research intended to find out configurations of causal conditions concerning whether a suspect’s background influences an outcome rather than how much a single variable (for example, age, experience, or gender) influences a dependent variable. Compared to standard statistical procedures such as regression and ANOVA, QCA is grounded in the analysis of set relations, not correlations. QCA provides a closer link to theory than is possible using conventional quantitative methods (i.e., most conventional quantitative methods simply analyse matrices of bivariate correlations) (Marx & Dusa, 2011). Therefore, in the current research age, gender,

training received or experience of the police officers might have a varying degree of influence on individual cases but would not affect the understanding of the concerned phenomenon that is, whether the suspects' Muslim name could influence the outcome of a criminal investigation.

6.6.1 Selecting Outcomes and Conditions

6.6.1.1 Outcomes

The first step in a csQCA is the selection of outcome(s) and causal conditions (Coverdill & Findley, 1995). During the twenty semi-structured interviews, every police officer was asked what would be the possible outcomes of the investigation in the light of the evidence presented in the given scenario. Police officers suggested the suspect would be either; (i) charged with only possession of class A drugs; or (ii) charged with possession and intent to supplying class A drugs. What leads police officers to decide to 'charge with possession and intent to supplying class A drugs' rather than 'charge with only possession of class A drugs'? It was believed that the comparison of these two different outcomes of an investigation would reveal different combinations of justifications. Thus, the selected outcomes for csQCA for the present research are as follows

Outcome 1: charge with possession of class A drugs (CWP)

Outcome 2: charge with possession and intent to supplying class A drugs (CWPIS)

6.6.1.2. Causal conditions

In order to identify possible causal conditions related to different outcomes of a criminal investigation in response to a given scenario, the best approach to identify relevant causal conditions was to ‘let the data speak for themselves’. In this way, relevant causal conditions could be revealed with possible maximum descriptive validity (Britt, 1997), which could be cross-checked against the relevant UK legislation (i.e., PACE Act) requirements for the questioning of suspects. Crisp-set qualitative comparative analysis requires a pre-csQCA stage (Soulliere, 2005) that “leans heavily on either theoretical deductions or more standard forms of qualitative data analysis” (Coverdill & Finlay, 1995; p.5). In order to identify which possible causal conditions might influence officers’ investigative decision-making as to whether to charge the suspects with possession only or charge the suspect with possession and supplying class A drugs, preliminary coding was accomplished through grounded theory methodology (Glaser & Strauss, 1967).

6.6.2 Grounded Theory Analysis

Grounded theory (Glaser & Strauss, 1967) is arguably the most rigorous method of providing preliminary or exploratory research in an area in which little is known (Walton, 1999). In the present research, grounded theory is used to analyse factors which influence officers’ investigative decision-making because it is not theoretically bound, rather, it aims to generate or develop a plausible theory of the phenomenon that is grounded in the data (Braun & Clarke, 2006). The researcher found the grounded theory best suited to current research because of the flexibility it allows in analysing and conceptualising the data (Strauss & Corbin, 1998). Since there is not an existing model that delineates the influence of negative stereotyping on investigative decision-making, it

was necessary to develop one, to identify the causal conditions, which may influence officers' decision-making.

The researcher coded the transcripts and conducted the analysis using a grounded theory approach (Glaser & Strauss, 1967). Grounded theory analyses are intended to find a theory within data (Charmaz, 2006). The grounded theory analysis begins with open coding, a procedure of labelling each line while staying open to discovery and unrestricted by pre-existing theories. Accordingly, the researcher went through the transcripts line by line and coded events to get at the narrative of the participants in the data. Codes are subsequently grouped into categories and compared to each other in the process of constant comparison method, a hallmark of grounded theory that aids conceptualisation of the data (Glaser & Strauss, 1967). The codes produced as a result of line by line open coding were examined for overlap and then collapsed into broader codes. Some codes were dropped at this stage because they did not relate meaningfully to other codes and, consequently, were not deemed to have core relevance (Glaser, 1992). This stage resulted in a smaller number of codes and their properties, which were denser and richer regarding their conceptualisation of what was going on in the data (see Figure 1 below). The researcher used these codes for coding of final four of the 20 transcripts to elucidate the codes and link to each other. At this point, saturation had occurred, meaning that no new codes emerged and, therefore, the researcher did not seek authorisation from police to interview further police officers and data collection ceased.

In the final stage of the analysis, the codes were further examined in search of the core process that linked them (i.e., steps and processes that were of core importance in decision-making for police officers). These codes were then organised into three main

categories. The coded text was extracted, organised by category, and read in multiple iterations using a constant comparison between and within the text to identify the key processes related to the particular steps involved in decision making during and after an investigative interview. The core variable emerged as a statement that best captured what was going on in the data, and that could account for the categories identified and the codes within them. The sub-core variables emerged as stages of the core process, incorporating the previous categories and their properties from the analysis.

6.6.2.1. Results

Of the theory developed the core category that emerged is ‘factors which influence officers’ investigative decision-making during an interview’. This core category can account for all other codes and categories and so provides an explanatory whole, applicable to all coding. This core theme describes a three-stage process of officers’ decision-making to either CWP or CWPIS to suspects. These three stages include; (i) perceptions about evidence; (ii) points to prove; and (iii) decision to search suspects’ premises under S.18 of PACE Act (1984)⁴. The components of this three-stage process are shown in Figure 1.

Perceptions about evidence

When responding to the given scenario officers mentioned evidence that could be used during interviews which included the witness statement and the recovered drugs. Officers stated that such evidence could be used to challenge statements made by the

⁴ Under Section 18 of PACE (1984) Act, a police officer may enter and search premises occupied and or controlled by a person under arrest for an indictable offence.

suspect and may also use a witness statement to elicit further information from the suspect. Those officers who anticipated the witness as trustworthy perceived that the evidence against the suspect is strong enough to get a conviction for possession with intent to supplying class A drugs. One officer (13) put it this way,

“Evidence is quite strong because I have got a small amount of drugs and a reliable witness, so, yes, I have got enough to get a conviction.”

Conversely, officers who stated that they needed to know more about the witness (e.g., witness reliability, and whether the witness had any previous associations with the suspect) perceived the evidence strength as weak against the suspect. For example, the officer (03) put it this way,

“It’s very difficult because it does not say what the witness has seen. We have got a reliable witness, but what have they seen, what have they said? It’s difficult that is for supply anyway, I mean, and the amount of drugs is relevant...it’s reasonably weak evidence I would think at the moment, good evidence to possession”.

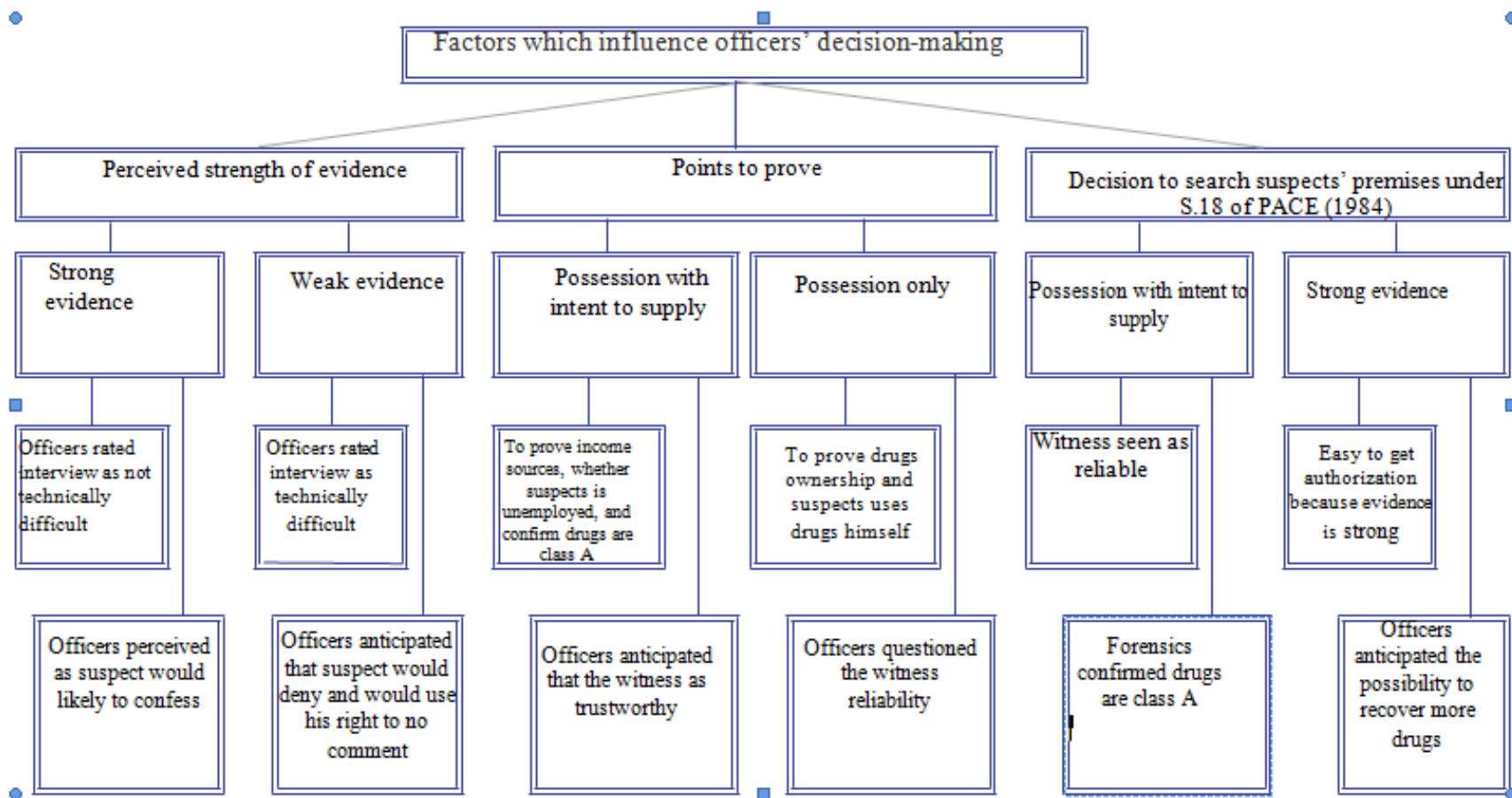


Figure 6. 1 A grounded theory – factors which may affect officers' investigative decision-making

Points to prove

During the interview, officers mentioned a number of legal points to prove (such as the suspect's income sources, how much he paid for the drugs, where the money came from, proven drugs ownership, witness reliability, the suspect's whereabouts at the time of his arrest, etc.). It was found that to be able to prove either; (i) only possession of class A drugs (**P**) or possession with intent to supplying class A drugs (**PWIS**) was directly related to the perceived strength of evidence. Officers were more likely to interview to prove possession with intent to supply if they perceived the evidence strength as strong. For example, one officer (19) stated it as,

“You have got strong evidence there then it's so much easier I would say. With little or no evidence then you have got massive bits of doubt in there. I would be hoping for a charge with intent to supply because of the fact that we have got a reliable witness and recovered drugs”.

Those officers who perceived the strength of evidence as weak said that they would conduct the interview to prove possession only. For instance, one officer (05) encapsulated it as,

“Well, obviously a small amount of drugs and one witness, so we are not going to be looking at possession with intent, so we are just going to be looking at a simple possession of Class A drugs.”

Decision to search suspect's premises under Section 18 of the PACE Act

(1984)

Fifteen of the officers stated that they would seek authority from their relevant senior police officers under Section 18 of the PACE Act 1984 to search the suspect's home address(s) possibly to recover more drugs. It was found that the officer's decision to prove either only possession of class A drugs (**P**) or possession with intent to supplying class A drugs (**PWIS**) may well be related whether he/she would seek authority under Section 18 of the PACE Act 1984 to search the suspect's home address(s). For example, one officer (16) stated it as,

"I would because he's got class A on him. To me, yes, that's a section 18. You arrest him, and you do a section 18 because potentially he might have some more. Yes, I would section 18 because..."

6.6.2.2. The theory - factors which influence officers' investigative decision-making

As a result of grounded theory analysis, it was found that the perceived strength of evidence is central to the investigative process. Further, it suggested that the perceived strength of evidence dictates the entire interview structure and further lines of inquiry. The perceived strength of evidence is directly related to whether an officer will interview to prove either only possession of class A drugs or possession with intent to supplying class A drugs. If an officer perceived the evidence strength as strong, then it is apparent that he/she would interview to prove possession with intent to supply. On the other hand, an officer would interview to prove possession only if he/she perceived evidence strength as a weak. Subsequently, the police officers' decision about executing Section 18 search may well also be influenced by the perceived strength of evidence and points to prove. If an officer interview to prove 'possession with intent to supplying class A drugs,' then

there is a distinct possibility that he/she would seek authority from their relevant inspector under section 18 of PACE Act 1984 to search the suspect's home address(s) to recover more drugs.

6.6.2.3. Trustworthiness of the theory

A number of measures were taken to limit any bias entering the analysis and to enhance the validity of the theory developed. First, the scenarios were each kept very broad, allowing the police officers to respond to them in their own words (e.g., by asking open questions, rather than asking questions related to the phenomenon that might be seen by them as ones the researcher was expected to find). Second, the researcher conducted the interviews with police officers who possessed first in hand investigative interviewing experience, (while having substantial knowledge of investigative interviewing, at the time of the study the researcher had no practical experience of conducting investigative interviews, which was considered helpful in limiting any preconceived ideas from entering into the research process). Third, a PhD student provided a formal validity check on the categories in relation to the empirical data. These categories include: (i) perceptions about evidence; (ii) points to prove; and (iii) decision to search suspect's premises under S.18 of PACE Act (1984). This PhD researcher, who possessed an established knowledge of qualitative research, coded the randomly selected ten copies of transcriptions (five from each scenario). The inter-rater reliability of the identification of three main categories was examined using the Cohen's kappa. It was found that a Cohen's kappa 0.91 existed between the two sets of scores, demonstrating a strong strength of agreement (Fleiss, 1981).

6.6.3 Causal Conditions

As a result of grounded theory analysis, the following causal conditions were revealed, which may influence officers' decision-making, and ultimately may influence the outcome of a criminal investigation:

1. **The suspect's name:** entails information about the suspect's name. The scenarios which were given to police officers were either with a suspect named Richard Fisher (**RF**) (Scenario A) or Muhammad Ali (**MA**) (Scenario B).
2. **The strength of evidence (SE):** contains information about officers' opinions concerning the evidence. During the analysis of interviews, officers' opinion concerning the strength of evidence was found as a causal condition, which may be contributing toward the outcome of criminal investigations.
3. **Legal points to prove:** entails information about the legal points to prove suggested by the police officers in response to the given scenarios. In grounded theory analysis to prove either only possession of class A drugs (**P**) or possession with intent to supplying class A drugs (**PWIS**) appeared as causal conditions which may well be contributing toward the outcomes.
4. **The decision to search the suspect's premises under Section 18 of the PACE Act 1984 (S18S):** the police officers' decision about exercising Section 18 powers at the suspect's premises was found as a causal condition, which may also contribute towards the outcome.

6.6.4 Dichotomous Coding and Data Matrix

Once outcomes and causal conditions have been identified, the next task in csQCA is the preliminary coding of all variables implicated in the analysis (Ragin, 1987). Since Boolean algebra permits only two values (i.e. '0' and '1'), csQCA requires that causal condition and outcomes should be dichotomous. This is accomplished by coding the causal conditions and outcomes according to their presence/absence, or yes/no, or strong/weak, etc..

The dichotomous coding of outcomes was as follows. For the first outcome, that is, a decision to charge with 'only possession of class A drugs' was indicated by '1', whereas not to charge was indicated by '0'. For the second outcome, that is, a decision to 'charge with possession and intent to supplying class A drugs' (CWPIS) was indicated by '1', whereas not to charge was indicated by '0'. Dichotomous coding of the causal conditions was indicated by '1' where these causal conditions were present and by '0' where they were absent.

6.6.5 Truth Table Analysis

In order to use Boolean algebra as a technique of qualitative comparison, it is necessary to reconstruct a raw data matrix called a 'truth table'. A truth table summarises the pattern of outcomes associated with the different configuration of causal conditions (Ragin, 1987). Essentially a truth table lists the different combination of causal conditions and the value of the outcome variable for the cases coming to each combination. Table 1 depicts the truth table of officers' decisions as to whether to charge with only possession

of class A drugs (CWP) or charge the suspect with possession and intent to supplying class A drugs (CWPIS).

Table 6. 1 Truth table of six causal conditions and two outcomes

RF	Causal Conditions					Outcomes	
	MA	PWIS	P	S18S	SE	CWPIS	CWP
1	0	1	1	1	0	0	1
1	0	0	1	0	0	0	1
1	0	0	1	0	0	0	1
1	0	1	1	1	0	0	1
1	0	1	1	1	1	0	1
1	0	0	1	0	0	0	1
1	0	1	1	0	0	0	1
1	0	1	1	1	1	0	1
1	0	0	1	0	0	0	1
1	0	1	1	1	1	1	0
0	1	1	1	1	1	1	0
0	1	1	1	1	1	1	0
0	1	1	1	1	0	0	1
0	1	1	1	1	1	1	0
0	1	1	1	1	0	0	1
0	1	1	1	1	1	1	0
0	1	1	1	1	1	1	0
0	1	1	1	1	1	1	0
0	1	1	1	1	0	0	1
0	1	1	1	1	1	0	1

***RF**=Richard Fisher; **MA**=Muhammad Ali; **PWIS**=Possession with intent to supply; **P**=Possession only; **S18S**=Section 18 search; **SE**=Strength of evidence; **CWPIS**=charge with possession and intent to supply; **CWP**=charge with possession*

The present research utilised software fs/QCA (version 3.0) package for conducting csQCA analysis (Ragin & Sean, 2014). A first csQCA (minimisations with logical remainders with software fs/QCA) was performed to match and contrast the selected causal conditions to eliminate negligible, redundant, and trivial determinants. The process of paired comparison culminates in a list of causal combinations linked to

the outcome (Ragin, 2010). The fs/QCA software then selects the smallest number of these combinations that will cover all the positive instances of the outcome. The truth table with the six key causal conditions showed no contradictory configurations, but six configurations of conditions for each outcome, each with a unique outcome value. Therefore, these causal conditions might be sufficient, according to the twenty cases, to 'explain' the factors which may influence officers' investigative decision-making in criminal investigations.

The result of the minimisation process is a prime-implicant equation (Ragin, 2008). This equation is a shorthand representation summarising the data in the truth table using only the logical essential prime causal conditions (Ragin, 2008). As such, this equation provides a powerful basis for interfacing theoretical ideas (Coverdill & Finlay, 1995). This equation describes parsimoniously the different combinations of conditions associated with a certain outcome while allowing for logically derived theories about the nature of the phenomenon under investigation (Soulliere, 2005). The fs/QCA software presents three solutions to each truth table analysis; (i) a 'complex' solution that avoids using any counterfactual cases (rows without cases 'remainders'); (ii) a 'parsimonious' solution, which permits the use of any remainders that will yield simpler (or fewer) recipes; and, (iii) an 'intermediate' solution, which uses the reminders that survive counterfactual analysis based on theoretical and substantive knowledge (which is input by the user). Ragin (2010) suggests that the intermediate solutions are best. Therefore, the present research considered the intermediate solutions.

6.7 Results

The fs/QCA (version 3.0) analyses of truth table produced the following results which explain the factors which may influence police officers' decision whether he/she charges the suspect with possession and intent to supplying class A drugs (CWPIS) or charge with possession only (CWP).

6.7.1 Pathway to Police Officers' Decision to Charge the Suspect with Possession of Class A Drugs (CWP)

Using the configured cases, the fs/QCA analysis of truth table produced the following minimised equations of officers' decision to charge the suspect with possession only. Pathways to CWP⁵:

$$\text{CWP} = \text{RF} * \text{P} * \text{se}$$

$$\text{CWP} = \text{MA} * \text{PWIS} * \text{P} * \text{S18S} * \text{se}$$

$$\text{CWP} = \text{RF} * \text{P} * \text{se} + \text{MA} * \text{PWIS} * \text{P} * \text{S18S} * \text{se}$$

Key: RF= Richard Fisher; P= Possession; se= Strong Evidence; MA= Muhammad Ali; PWIS= Possession with intent to supply; S18S= Section 18 search

The above two equations specify, in a logically minimal way, the different combinations of factors that are linked to the outcome CWP. What these equations essentially mean is that possession (P) is a sufficient condition for a police officer to charge with possession to the suspect. Because they are logical statements, these two

⁵ Following Ragin's (1987) notation method, the factors within each equation are joined by a multiplication sign (* signifying AND), within each equation, codes in upper case letters indicate the presence of a factor, while codes in lower case letters indicate their absence.

recipes for CWP can be factored. As such, this intermediate solution can be factored to show possession of class A drugs (P) is present in both equations:

$$CWP = P.(RF + MA * PIS * S18S)$$

Key: P= Possession; RF= Richard Fisher; MA = Muhammad Ali; PWIS = Possession with intent to supply; S18S = Section 18 search

The above expression indicates that police officers may decide to CWP if he/she investigated for only possession of class A drugs combined with either; (i) a suspect named Richard Fisher; or (ii) the combination of a) a suspect named Muhammad Ali, b) possession with intent to supply, and c) execution of Section 18 search at the suspect's address(s).

6.7.2 Pathways to Police Officers' Decisions to Charge the Suspect with Possession and Intent to Supply Class A Drugs (CWPIS)

The analysis again used the coding outcomes presented in the truth table. Using the configured cases, the fs/QCA software produced the following minimised equations of officers' decision to charge the suspect with possession and intent to supplying class A drugs (CWPIS). The analysis produced the following pathway to the police officers' decision regarding CWPIS:

$$CWPIS = MA * SE$$

$$CWPIS = MA * rf * PWIS * P * S18S * SE$$

$$CWPIS = MA * SE + MA * rf * PWIS * P * S18S * SE$$

Key: MA= Muhammad Ali; SE= Strong Evidence; rf= Richard Fisher; PWIS= Possession with intent to supply; P= Possession; S18S= Section 18 search

As in the analysis of CWPIS outcome, this specifies, in a logically minimal way, the different combinations of factors that are linked to the outcome CWPIS. Because they are logical statements, these two recipes for CWPIS can be factored. As such, this intermediate solution can be factored to show suspect named Muhammad Ali (MA), and strength of evidence as strong (SE) is present in both equations:

$$\text{CWPIS} = \text{MA} * \text{SE} (\text{PWIS} * \text{P} * \text{S18S})$$

Key: MA = Muhammad Ali; SE = Strong Evidence; PWIS = Possession with intent to supply; P= Possession;
S18S = Section 18 search

What this equation essentially means is that the police officers may decide to charge the suspect with possession and intent to supplying class A drugs if the suspect's name is Muhammad Ali and police officers perceived the strength of evidence as strong. In other words, police officers will not charge the suspect unless they perceived the strength of evidence as strong. This equation essentially explains that the police officers will perceive the strength of evidence as strong when Muhammad Ali is present and may decide to charge the suspect with possession and intent to supply class A drugs. In brief, police officers may decide to CWPIS, and thus they perceived the strength of evidence as strong when the suspect's name is Muhammad Ali combined, with either; (i) officer investigated points to prove is possession with intent to supply class A drugs; or (ii) officer decided to execute Section 18 search at the suspect's addresses.

As indicated in Table 2, of the ten officers who were given scenario A (with the suspect named RF), three perceived the evidence strength as strong, while seven perceived the evidence strength as strong when the suspect's name was MA. Of the ten officers (who were given scenarios B with the suspect named MA), six stated that MA would be charged with both possession and intent to supply class A drugs while in RF condition only one police officer stated that RF would be charged with both possession

and intent to supply. The results also indicated that in the case of MA, all the officers decided to interview him concerning the more serious matter of possession with intent to supply class A drugs, and the majority of these officers perceived the evidence strength as strong. While six officers decided to interview RF concerning possession with intent to supply class A drugs, but the majority of these officers perceived the evidence strength as weak. It was also found, all the officers decided to exercise Section 18 search (PACE Act 1984) on MA's address(s), while only half of the officers decided to exercise Section 18 search in the case of RF. Table 2 depicts officers' responses to causal condition and their stated outcomes of the investigation

Table 6. 2 Officers' responses to causal conditions and their stated outcomes of the investigation

Causal conditions and outcomes	MA	RF
Strong Evidence	70%	30%
Investigated possession with intent to supplying class A drugs	100%	60%
Section 18 search	100%	50%
Charge with only possession of class A drugs	40%	90%
Charge with possession and intent to supplying class A drugs	60%	10%

6.8 Discussion

The present chapter sought to examine whether police officers who may have developed negative stereotypes toward members of the 'suspect' community (i.e., Muslims) may use their discretionary authority to act on those feelings and whether these negative stereotypes could influence investigative decision-making and outcome of a criminal investigation. A fine-grained analysis of semi-structured interviews employing grounded theory and csQCA, led to the identification of two pathways to officers'

investigative decision-making as to the outcome of criminal investigations. Six causal conditions were identified as a result of grounded theory analysis of the interview transcriptions, being the basis of two pathways. The first pathway to CWP (i.e., the pathway to police officers' decision to charge the suspect with possession of class A drugs) is based on two key causal conditions; (i) officer investigated only possession of class A drugs; and (ii) suspect's name is RF. The second pathway to CWPIS (i.e., pathways to police officers' decisions to charge the suspect with possession and intent to supplying class A drugs) is based on two key causal conditions: (i) police officer perceived the strength of evidence as strong; and (ii) the suspect's name is MA. Pathways to CWP and CWPIS appear to find that the suspect's name and perceived evidence strength as 'strong' played a key role in officers' investigative decision-making when considering their lines of enquiry and the legal points to prove.

It was found that more than twice as many officers in the MA condition perceived the evidence as strong when compared to the RF condition. It appears that officers strived to confirm their initial hypothesis about the case (i.e., how they perceived the strength of evidence), while seemingly ignoring or downplaying conflicting material within the available evidence (Fahsing & Ask, 2013). Unconscious racial stereotypes may lead actors in the criminal justice system to "focus on a suspect, select, and filter the evidence that will 'build a case' for conviction while ignoring or suppressing evidence that points away from guilt" (Findley & Scott, 2006, p. 292). This suggests that negative racial stereotyping based on suspect's background may have led police officers to perceive the evidence as 'strong' in MA condition as compared to RF condition.

When comparing the pathways to both outcomes, it was found that the suspect's name appeared to be the most significant factor in officers' investigative decision-

making, when deciding lines of enquiry and points to prove. For example, In the case of MA, all the officers decided to interview him concerning the more serious matter of possession with intent to supplying class A drugs, perceiving the evidence strength as strong. This finding suggests that negative stereotypes concerning certain groups may indeed influence investigative decision-making as, which may result in police officers' discriminatory behaviour toward suspects from stigmatised groups.

As such, six times as many officers in the MA condition stated that the suspect would be charged with possession and intent to supplying class A drugs than did those in the RF condition. Once the police officers perceived the strength of evidence as strong (to confirm their initial hypothesis that MA is more likely to be involved in supplying class A drugs) these police officers indicated that they would employ more resources to prove his guilt. That is, while only half the sample in the RF condition decided to exercise Section 18 powers contained in the PACE act 1984, all of those in the MA condition elected for such powers to be exercised. Previous studies have found that confirmation bias towards suspects' wrongdoings during police interviews led to an 'accusatorial' style of interviewing, where police officers used a confirmatory strategy to elicit confessions (Hill et al., 2008; Mortimer & Shepherd, 1999), which may result in or contribute to false confessions (Kassin, Goldstein, & Savitsky, 2003). Thus, such investigations may well be prone to miscarriages of justice when officers are fixated upon charging the suspect and are willing to spend more resources to confirm their initial hypothesis concerning the suspect's wrongdoings.

In criminal investigations, the initial stage of abductive reasoning involves thorough problem recognition, problem framing, and option generation (Fahsing & Ask, 2016). A prominent cause of poor investigative decision-making is the decision maker's

failure to identify all possible alternatives before they start evaluating and integrating information to arrive at a choice (Tversky & Kahneman, 1981). Research (e.g., Graham & Lowery, 2004; Smith & Alpert, 2007) showed that police officers might not have negative feelings towards minority groups, but they may, nonetheless, base their initial decisions either; (i) on beliefs (regardless of their accuracy) concerning group criminality; or (ii) who is most likely to be involved in crime. In the current research, both pathways suggested that the officers failed to identify all possible choices irrespective of suspect's name and race, consequently, arrived at choices which were more lenient towards RF than MA. The pathway to CWPIS can be understood as the outcome of a complex causal process that begins with unconscious stereotype activation and may end with more punishment toward suspects from stigmatised groups.

6.9 Limitations

There are number of methodological concerns which may limit the ecological validity and generalisability of the present research and its findings. First, the present research has focused on the influence of racial stereotypes on investigative decision-making by exploring crisp-set qualitative comparative analysis (csQCA). The csQCA is, of course, limited by data (Coverdill, Finlay, & Martin, 1994). Grounded theory and csQCA determined six key causal conditions linked with two outcomes, other conditions which may also be affecting the investigative decision-making should not be neglected because they are also a part of the entire investigation process. These causal conditions resulted from the grounded theory analysis may be influenced by the researcher's biases either against the police or the suspects. However, a strong Cohen's kappa of 0.91 between raters suggested that this might not be the case. Second, the limitations imposed by the

dichotomous coding of conditions and outcomes may incur a loss of information about individual cases. However, Rihoux and Ragin (2008, p.14) suggested that the dichotomous calibration should not be seen as a limitation as it may be necessary to refer “back to the cases with all their richness and specificity”. As such, the fine-grained qualitative analysis of interview transcriptions and narrative through interviews were used to give an interpretation of the results examining the influence of racial stereotypes on investigative decision-making. Third, the researcher conducted interviews with the same officers who took part in the stop and search study (Chapter Two). The police officers were presented with either scenario A or B immediately once their interviews had been completed concerning stop and search practices, which may have affected their responses. Fourth, the police officers’ responses during interviews may have also been affected due to their training and social desirability (Zerbe & Paulhus, 1987), where police officers give conforming responses instead of choosing responses that are reflective of their actual feelings.

Finally, it is also important to recognise that other variables (for example, police officers’ age, their relevant experience, their interpretations of evidence presented, and priorities of their police organisation) may also have a varying degree of influence on individual cases. However, such variables would not affect the actual results, and understanding of the concerned phenomenon that is, the suspects’ background may influence the outcome of a criminal investigation. As the csQCA examines the configurations of causal conditions such as the assessment of how multiple influences achieve certain outcomes rather than how much a single variable (e.g. age, gender, experience, or training) influences a dependent variable. Nevertheless, despite these

limitations, it is argued that the present research offers new insight into the problem of policing stigmatised communities within the context of criminal investigations.

6.10 Further Research

Officers' views were gathered on a hypothetical case, and it is possible that in real-life situations such judgments might well be different. As such, a study comparing real-life investigations concerning indigenous suspects and suspects from the 'suspect' community would be beneficial (i) to test the present study's conclusions and (ii) to determine whether in real-life investigations police officers more likely to charge the suspect from the 'suspect' community when investigating a similar crime. Also, it will be beneficial to conduct a similar type of research with the CPS caseworkers to determine whether suspect's ethnicity or belonging to the 'suspect' community would play any role when they determine whether to charge the suspect.

6.11 Conclusion

QCA, with its holistic combinatorial logic and emphasis on causal heterogeneity, is argued to be advantageous in exploring the complexity of investigative decision-making and in maintaining a dialogue that promotes new ways of thinking. The application of csQCA in the present study revealed two pathways concerning investigation outcomes. These pathways indicated that perceived negative stereotypes (based on suspect's group membership) indeed might influence officers' investigative decision-making when they considered their lines of enquiry and legal points to prove. Both pathways suggested that officers may make decisions based on inappropriate stereotyping, which could contribute to a different overall outcome of a criminal

investigation when investigating a similar crime (when suspects are from different groups of the community). Recognising the influence of any unconscious stereotypes within the context of criminal investigations could be a starting point for a more transparent and effective policing of stigmatised (stereotyped) communities.

In combination with the four previous chapters, it can be concluded that prejudicial stereotyping based on suspect's group membership appears to have a significant influence on investigative and interviewing processes. However, more research is required before possibly further training of police officers which seems necessary to make them more aware of the implications of negative (racial/religious) stereotypes to improve on interviewing performance, case outcomes, and community cohesion. The following chapter describes the findings of this thesis in combination in more detail, discuss the possible implications and applications of them, and put them into the context of previous research concerning the criminal investigation processes and the 'suspect' community stereotyping.

Chapter 7 Discussion and Conclusions

7.1 Introduction

This thesis sought to examine whether, and to what extent, police officers (who may have developed prejudicial stereotypes towards members of a ‘suspect’ community): (i) use their discretionary authority to act upon such prejudicial stereotypes; and (ii) how such prejudicial stereotypes may influence criminal investigations. This thesis consisted of five new studies focusing on the role of prejudicial stereotyping in investigative and interviewing processes. The first study, outlined in Chapter Two, examined more than 2,100 stop and search records, as well as 20 semi-structured interviews which were conducted with serving police officers, to indicate whether police officers use prejudicial stereotypes to inform suspicions in day to day policing. This second study was followed by the development of an instrument in Chapter Three which explored how prejudicial stereotyping may influence the investigative interviews with suspects from certain stigmatised groups. To further focus the research on prejudicial stereotyping within the context of ‘suspect’ community and policing, Chapter Four, obtained real-life Asian

Muslim suspects' views and explored their perceptions to examine whether prejudicial stereotyping could influence investigative interviews. The influence of prejudicial stereotyping within the context of 'suspect' community on legal representatives' perceptions of the investigative interviews and criminal investigations was then examined and outlined in Chapter Five. Finally, in Chapter Six, a qualitative comparative analysis was conducted to determine whether prejudicial stereotyping based on suspect's ethnicity and religious background could influence police officers' investigative decision making and the outcome(s) of a criminal investigation. The present chapter will bring together the findings from these previous chapters, highlighting links between them and with previous research. It will then examine the implications these findings have for training investigative interviewers, case outcomes, and the practice of policing stigmatised groups. Additionally, it will address possible directions for future research and methodological issues that have arisen in this research and should be considered in future research.

7.2 Summary of Findings

The first study in this thesis apparently focused on the role of prejudicial stereotypes in stop and search practices rather than on the wider debates about stop and searches and policing BAME communities in the UK. The first study ascertained that officers appear to rely on certain stereotype characteristics (e.g. people's age, race, appearance, location, and social class) to inform their suspicions. Officers reported in the semi-structured interviews that were conducted (as part of this Study One) that the issue of disproportionality in stop and search figures may be related to insufficient and inaccurate information concerning the description of a reported offender because such

provided details mainly focused on ethnicity and clothing. When insufficient and inaccurate information (which, say, mainly focuses on such aspects) combines with an officer's pre-existing cues of suspicion, on the basis of their generalised beliefs, this, arguably, results in people being stopped and searched on the basis of their ethnicity (Quintin, 2011). That is, it was found that prejudicial stereotyping may lead police officers to believe that people from a particular area or a certain ethnicity are engaged in a particular criminal activity, which may pose a threat to police-community relations (Weisburd et al., 2011). This may well be one of the possible explanations that, despite the initiatives taken by the Home Office (e.g. the creation of the Home Office Stop and Search Action Plan, 2004), people from BAME communities are still more likely to be stopped and searched. For example, the HMIC (2013) report found that the aggregate disparities in stop and search figures showed no improvements since the creation of the Home Office Action Plan (1999, 2004).

The empirical research study outlined in Chapter Three of this thesis utilised a novel approach to examine how prejudicial stereotypes may affect the investigative interviewing of suspects by the police. For this purpose the Minhas Investigative Interviewing Prejudicial Stereotyping Scale (MIIPSS) was developed and used to assess the apparent level of investigative interviewers' prejudicial stereotyping towards suspects from certain stigmatised groups. This study involved semi-structured interviews with twenty people, who had previously been interviewed as suspects in England and also eight very experienced lawyers. Both their views were measured using the MIIPSS before being subjected to a Guttman analysis. It was found that the constructs in the MIIPSS meet all the requirements of a valid Guttman scale (that is, a CR value of .92 was found, indicating that patterns of items are cumulative and that the MIIPSS is a valid instrument

of measurement), and logically all the constructs relate to prejudicial stereotyping (if they appear) within the investigative interviewing context. The Guttman scalogram analysis suggested that MIIPSS was found to be a valid and reliable model to understand the processes and those steps that were involved in identifying the occurrence of perceived prejudicial stereotyping within the investigative interviewing context. As such, the MIIPSS could be utilised in future research to assess the level of apparent prejudicial stereotyping displayed by interviewers during investigative interviews, and to make in-depth evaluations of interviewing practices.

The empirical research outlined in Chapter Four of this thesis examined the role of prejudicial stereotyping concerning investigative, and interviewing, processes, by exploring twenty-two real-life Asian Muslim suspects. As far as it is known, this is the first study to examine police officers' attitudes towards suspects from the Muslim community. This third study found that if police officers developed prejudicial stereotypes on the basis of suspects' ethnicity, then this may lead to discriminatory behaviour when interviewing suspects from a 'suspect' community. It was also found that the vast majority of suspects (who participated in this third study) felt there were circumstances in which police officers' negative attitudes towards them were due to their Asian Muslim ethnicity. For example, one of these participants stated that "there's a certain mindset amongst some of the police officers which actually they feel that people of like Asian Muslim background are the enemy, are the criminals". Additionally, these suspects reported that when the evidence presented to them during their police interviews was viewed as weak, the interviewers tended to repeat the accusations, similar to the findings in the pre-PEACE studies (Moston, Stephenson, & Williamson, 1992; Baldwin, 1993). Further, those participants reported that when the police did not have such strong

evidence, interviewers asked more guilt presumptive questions. These participants stated that during their interviews, the interviewers exerted pressure and wanted them to confess when they were not involved in any wrongdoings (or evidence against them was either very weak or did not exist at all). They felt that such a form of pressure was due to their Asian Muslim background. Consequently, an approach that involves a guilt presumption and self-fulfilling prophecy may have led to the interviewer demonstrating hostility or discrimination towards suspects (as found in Chapter Three, see page number 121). Since a third of the suspects (who participated in this third study) mentioned the instances of interviewers' hostile and discriminatory behaviour.

The fourth study outlined in Chapter Five of this thesis further examined the role of prejudicial stereotyping concerning investigative, and interviewing, practices, by exploring legal representatives' perceptions. This fourth study broke new ground by examining fifteen legal representatives' perceptions as no research (as far as the researcher is aware) has been conducted to explore their views concerning police interviewing of suspects in England and Wales. It was found that the majority of these legal representatives felt that police interviewers employ various tactics which, if accurate, may well be contravening both PACE and the ethos of the PEACE model (e.g. by making a legal representative wait unnecessary or attempting to persuade suspects to be interviewed without legal advice). More than half of the legal representatives in this study reported that they felt police officers treated suspects from deprived areas (regardless of their ethnicity) inferior to those who came from more affluent areas. One-third of legal representatives reported that they had observed instances where the ethnicity and religion of a suspect may have played an important role in officers deciding to seek a charge against the suspect. Additionally, they reported that they witnessed instances (in

a reckoned comparable case) when a white suspect was released whereas a charge was sought against an Asian Muslim suspect when the alleged offence was of a similar nature. These legal representatives felt that such instances of different treatment of Muslim suspects could be attributed to the negative portrayals of the Muslims in the media (see page 174). Furthermore, a quarter of these legal representatives mentioned instances of perceived interviewers' hostile and discriminatory behaviour towards their Muslim clients and they reported that they felt it was due to their client's Muslim background.

The final study, outlined in Chapter Six in this thesis is novel and groundbreaking to have analysed the influence of prejudicial stereotyping on real-life police officers' investigative decision-making concerning the investigative and interviewing processes of Muslim suspects. An innovative methodological technique was employed to identify the causal relationship between racial/religious stereotyping and associated outcome(s) of a criminal investigation. In order to explore whether the 'suspect' community stereotyping could influence police officers' investigative decision-making, this final study utilised information gathered via semi-structured interviews, conducted individually with police officers. During these interviews the same scenario was put to each police officer in turn, only differing in the name of the suspect (which for one half of the sample referred to an indigenous person from the UK, while the other half was referred to a suspect with obvious Muslim name). A crisp-set qualitative comparative analysis (csQCA) was utilised to examine whether a suspect's Muslim background affects the outcomes of a criminal investigation. A fine-grained grounded theory analysis and csQCA highlighted that officers appeared to strive to confirm their initial hypothesis about the Muslims suspect's guilt, while seemingly ignoring or downplaying conflicting material within the available evidence since 60 percent of the police officers suggested that they would seek

a charge against a Muslim suspect. It was also found that while only half the sample in the indigenous suspect condition decided to exercise Section 18 powers contained in the PACE Act 1984, all of the officers in the 'Muslim suspect condition' elected for such powers to be exercised. Furthermore, when the 'Muslim suspect condition' was employed, interestingly, it was found that six times as many officers stated that they would charge him with possession and intent to supply class A drugs than did those in the indigenous suspect condition.

In summary, the findings from the studies conducted in this thesis suggest that prejudicial stereotyping based on a suspect's group membership appear to influence investigative and interviewing processes.

7.3 Theoretical and Practical Implications

7.3.1 Prejudicial Stereotyping and Policing

The results from the empirical research that was conducted to examine the influence of prejudicial stereotyping in day to day stop and search practices (see Chapter Two of the thesis) found that police officer tended to rely on certain stereotypes (e.g. people's age, race, appearance, location, and social class) to inform their suspicions. Although, research (e.g. Quinton, 2011) suggests that stereotypes (which link crime with people's age, race, location, time, and appearance) may sometimes provide useful grounds to inform suspicions about someone. However, there is also a potential risk that people will also be identified by the police as suspicious when they do not warrant such police attention (Loftus, 2012; Quinton, 2011). It was also found from an examination of both the analysis of stop and search record dataset and interview transcripts (see Chapter Two) that in some instances police officers appeared to be using prejudicial stereotypes

in such ways that it could be deemed unlawful and discriminatory. That is, according to PACE (Code of Practice A, 1984), individual officers and their supervisors are legally obliged to base their decision to stop and search on reasonable suspicion that the concerned individual has committed or is about to commit, a particular offence. Hence, it is unlawful to target people on the basis of officers' generalised beliefs concerning the age, race, location, or appearance of a particular group. This is undoubtedly, of a concern, because this may lead police officers to believe that people from a particular area or a certain ethnicity are engaged in a particular criminal activity, which may pose a threat to police-community relations (Quentin, 2011; Weisburd et al., 2011).

Regarding the prejudicial stereotypes that officers were found to rely on to inform suspicions, the subsequent studies in this thesis; (i) examined whether such prejudicial stereotypes based on suspect's group membership influence investigative and interviewing processes; and (ii) how such prejudicial stereotyping could influence police officers' attitudes towards Muslim suspects. Further, detailed analyses of prejudicial stereotyping within the context of investigative interviews (that is, the development of the MIIPSS scale in Chapter Three of the thesis) showed that if the interviewers hold prejudicial stereotypes towards suspects from certain groups then there is a distinct possibility that such stereotypes may lead to the interviewer displaying hostility towards the suspect.

Furthermore, the findings from the study concerning the perception of the Muslim suspects contained in Chapter Four of the thesis suggest that police interviewers are thoroughly aware of the importance of legal and procedural issues as legally imposed by the PACE Act to which the police interviewers must adhere to, or risk the interview being ruled inadmissible in court. These findings support the earlier research conducted

concerning investigative interviewing (for example, Clarke & Milne, 2001; Clarke, Milne, & Bull., 2011; Griffiths & Milne, 2006; Walsh & Milne, 2008) that the general standards of police interviewing have improved since the introduction of the PACE Act and PEACE model in terms of legal and procedural issues. Further, in Chapter Four of the thesis, thematic analysis of Muslim suspects' interviews revealed that two-thirds of the suspects reported that during their interviews poor communication (including rapport building) was demonstrated. The interviews with such suspects may have been lacking a good foundation for an open and detailed conversation (which is the underlying principle of the PEACE model in which police officers are trained in England and Wales). During such interviews, police officers may well be obtaining incomplete accounts due to the absence of rapport and poor communication between the police officers and suspects (i.e. they lack information/evidence that might well assist in helping to determine either innocence or guilt). As prior research has suggested that poor communication skills and rapport building is associated with an increased risk of police interviewers failing to elicit comprehensive and reliable accounts from interviewees (Walsh & Bull, 2010a; Walsh & Bull, 2010b).

Following on in Chapter Five of this thesis thematic analysis of legal representatives' interviews identified that the police officers' attitudes were perceived by some of the legal representatives as being different when suspects came from deprived areas. These findings are similar to the previous research studies that more affluent areas are viewed by the police officers as appreciative and deserving of police service, whereas poor and decaying areas are denounced from seemingly containing anti-police populations and criminogenic families (Loftus, 2012; Bowling & Phillips, 2007). As a number of legal representatives reported that police officers treated suspects from

deprived areas (regardless of their ethnicity) as inferior to those who came from more affluent areas. Police officers may believe that people from deprived areas are more likely to be involved in criminal activity (Bowling & Phillips, 2007), which may, in turn, affect their attitudes towards suspects from such neighbourhoods (Smith & Alpert, 2007).

Furthermore, in Chapter Four of the thesis, both inductive and deductive thematic analysis of the Muslim suspects' interviews revealed that two-thirds of suspects reported that they had denied their involvement in criminal activity and refuted any accusations of guilt. In such circumstances, these suspects reported that their interviewers tended to repeat the original accusations which generally were said to lead to further denials from these suspects, similar to the findings in the study conducted by Moston, Stephenson, and Williamson (1992). In their observational study of police practice, these authors found that only in cases where the evidence was viewed as strong by suspects did they decide to admit their guilt. Similarly, it was found in Chapter Four when suspects perceived that the evidence against them was strong, it was more likely that they would confess to their guilt. For example, six of the suspects (who participated in this study contained in Chapter Four) stated that they did not attempt to deny their guilt when they perceived that the evidence held by the police against them was strong.

The studies contained in Chapters Three, Four, and Five mainly focused on investigative interviewing of the Muslim suspects, as following the 'war on terror' Muslims are, arguably, a visible stigmatised community in the contemporary UK (Awan, 2012; Breen-Smyth, 2014; Pantazis & Pemberton, 2009) known as 'Islamophobia' (Awan, 2014; Chakraborti & Zempi, 2012). The consequences of 'Islamophobia' have been identified and detailed by various researchers (Awan, 2012; 2014; Chakraborti & Zempi, 2012; Clements, 2008; Hickman et al., 2013; Nickels et al., 2012; Pantazis &

Pemberton, 2009) in terms of exclusion, discrimination, and prejudice towards the members of the Muslim community. The research presented in this thesis generally supports such research from the Asian Muslim suspects and legal representatives' perspective (who participated in research studies outlined in Chapter Four and Chapter Five). For example, in Chapter Four of the thesis nearly half of the suspects mentioned instances of interviewers' hostile and discriminatory behaviour and they felt that this was due to their Muslim background. However, it is important to acknowledge that such unsatisfactory findings pertain not to race/religion, or Islamophobia, but may well be due to mishandling by the police or particular nature of their involvement in certain crimes and probably would have been voiced regardless of ethnicity/religion. Nonetheless, these suspects' views were echoed by the legal representatives' views. In Chapter Five, one-third of legal representatives reported that they witnessed instances when a white suspect was released, whereas a charge was sought against an Asian Muslim suspect when the alleged offence was of a similar nature.

For a person under investigation, an initial impression of guilt or innocence is argued to be very significant (because it has been found in earlier studies) to determine whether an interviewer proceeds to investigate with a strong presumption of guilt (Roach & Trotter, 2005) which in turn, predisposes an inclination to ask guilt presumptive and confirmatory questions, use persuasive tactics, and get confessions (Kassin, 2017). In Chapter Four of the thesis, it was found that nearly two-thirds of suspects reported that their interviewers asked them guilt presumptive questions. Both Hill et al. (2008) and Kassin et al. (2003) in their laboratory studies found that guilt-presumptive questions produce a self-fulfilling prophecy effect. Similarly, it was found in this thesis (by employing deductive analysis to MIIPSS constructs outlined in Chapter Four [see pages

146-155] and Chapter Five [see pages 181-190]) that guilt presumption produced self-fulfilling prophecy effects, which ultimately may have led to the interviewer demonstrating hostility or discrimination towards the Muslim suspects.

These findings are in contrast to Greer (2010; 2014), and Hargreaves (2015) arguments. In those studies, it was postulated that, since parts of the ‘suspect Muslim community’ are officially trusted, the entire ‘community’ cannot plausibly be regarded as ‘officially’ suspect. Prevent II and intervention projects are arguably based on an impression of suspicion (Choudhury & Fenwick, 2011; Spalek, 2010), which could lead to Muslim community being seen as a ‘suspect’ community (Awan, 2012). Thus, the policy (e.g. Prevent II) that potentially alienates a community as ‘suspect’ may result in biased policing. That may, in turn, jeopardise initiatives, which could have advanced community cohesion (Awan, 2017). Counter-terrorism policies and the Prevent strategy might problematise Islamic religious identities (Spalek, 2011), that (in turn) may create feelings of racial and religious segregation and of ethnic profiling (Awan, 2012; Bonino, 2013), which could contribute to bias policing towards members of the Muslim community. As was found in the studies outlined in Chapter Four (see pages 155-159), Chapter Five (see pages 190-195) and Chapter Six (see pages 228-231).

7.3.2 ‘Suspect’ Community Stereotyping and Investigative

Interviewing

The deductive analysis (that was conducted by employing five constructs of MIIPSS to suspects and legal representatives’ research interviews) found that officers rely on a number of prejudicial stereotypes towards suspects based on either; (i) being previously known to the police; (ii) their ethnicity; or (iii) their religious background.

Previous research studies found that such prejudicial stereotyping may have adverse effects when the investigation is concerning the suspects from minority (out-groups) communities (Devine, 1989; Huggon, 2012; Tajfel & Turner, 1979). As, nearly two-thirds of suspects perceived that police interviewers asked them repetitive guilt-presumptive and coercive questions (see Chapter Four, page 128). Despite that, what has been found from the available literature (e.g. Bull, 2010; Cherryman & Bull, 2001; Clarke & Milne, 2001; Clarke et. al., 2011; Griffiths, Milne, & Cherryman, 2011; Holmberg & Christianson, 2002; Milne & Bull, 1999; Powell, Hughes-Scholes, Smith, & Sharman, 2014; Soukara et al., 2009; Walsh & Milne, 2008; Walsh & Bull, 2010; Williamson; 2006) on investigative interviewing is that police interviews (whether conducted with witnesses or suspects) need to be conducted ethically. That is, there should be no use of coercive questioning or hostile techniques – the main purpose of such interviews should be to gather detailed accounts from the interviewees which may be relevant to the investigation. The use of coercive questioning and hostile techniques have been found to be both unethical and ineffective in terms of information gathering (Oxburgh, Myklebust, & Grant, 2010; Williamson, 2006).

Furthermore, in Chapter Five of the thesis, the researcher employed five constructs of the MIIPSS to research interviews that were conducted with fifteen legal representatives. The results revealed that nearly two-thirds of those legal representatives reported that they had observed instances of police interviewers' negative attitudes towards Muslim suspects. For example, they reported that they had observed instances where police interviewers presumed suspects as guilty, asking coercive and guilt presumptive questions. In Chapter Four (see pages 151-154) and Chapter Five (see page 185-189) it was found that such guilt presumption produced a self-fulfilling prophecy.

That is, a "false definition of the situation evoking a new behaviour which may make the originally false conceptions come true" (Merton, 2016: p.477). This could happen when, for example, someone fails to understand how his/her own beliefs have helped him/her to construct a false reality (Biggs, 2009). As a consequence, he/she becomes so focused on an individual or incident that no other person or incident registers in his/her thoughts (Findley & Scott, 2006; Nickerson, 1998). Similarly, this (self-fulfilling prophecy) might also happen to researchers, legal representatives, and suspects, as such it should be seen as a limitation of this research (for further details see limitations sections on pages 160, 195, 231).

The results from Chapter Four, Chapter Five, and Chapter Six of the thesis identified police officers have occasionally either; (i) asked repetitive questions; (ii) exaggerated the strength of evidence; or (iii) become so fixated to charge the suspect that they ignored the evidence that might have gone in the suspects' favour. Such investigative approaches have been found to result in tunnel vision (that is, a product of multiple processes including cognitive distortions such as confirmation bias). The result of tunnel vision may be discriminatory behaviours towards suspects from certain groups (Findley & Scott, 2006). The findings from the study outlined in Chapter Four suggested that nearly half of the Muslim suspects reported interviewers' discriminatory behaviours towards them. Their views were triangulated with legal representatives' perceptions that a quarter of the legal representatives mentioned instances of perceived interviewers' discriminatory behaviour towards Muslim suspects and they reported that they felt it was due to their client's Muslim background (see Chapter Five, page numbers 174-176).

When, in this thesis (see Chapter Six), the influence of prejudicial stereotyping on police interviewer's subsequent decision-making during investigative, and interviewing

processes within the context of ‘suspect’ community was analysed, the results were also triangulated with those of suspects and legal representatives. It was found in Chapter Six that the suspect’s Muslim name influenced the police officers’ subsequent decision-making and their suggested outcome of the criminal investigation. It is important to recognise that other co-founding variables (for example, police officers’ age and their relevant experience) may also have a varying degree of influence on officers’ investigative decision-making other than suspect’s name. However, it was also found that officers appeared to strive to confirm their initial hypothesis about the Muslims suspect’s guilt, while seemingly ignoring or downplaying conflicting material within the available evidence. A possible explanation for this could be that such unconscious racial stereotypes may lead actors in the criminal justice system to “focus on a suspect, select and filter the evidence that will ‘build a case’ for conviction, while ignoring or suppressing evidence that points away from guilt” (Findley & Scott, 2006, p. 292). When the ‘Muslim suspect condition’ was applied, six times as many officers stated that they would charge him with possession and intent to supply class A drugs than did those in the indigenous suspect condition (see Chapter Six, Table 6.2 on page number 228). In addition, in that study outlined in Chapter Six, it was found that while only half the sample in the indigenous suspect condition decided to exercise Section 18 powers contained in the PACE Act 1984. However, all of the officers in the ‘Muslim suspect condition’ elected for such powers to be exercised, despite the fact that only in name did the two conditions differ. Previous studies have found that confirmation bias towards suspects’ wrongdoing during police interviews led to an ‘accusatorial’ style of interviewing, where police officers used a confirmatory strategy to elicit confessions (Mortimer & Shepherd, 1999), which may result in or contribute to false confessions (Kassin, Meissner, &

Norwick, 2005). Thus, such investigations may well be prone to miscarriages of justice when officers are so fixated upon charging the suspect and are willing to spend more resources to confirm their initial hypothesis concerning the suspect's wrongdoing. As such, the findings reported here appear to support the assumption that the Muslim community is a 'suspect' community in the contemporary UK (Awan, 2012; Breen-Smyth, 2014; Hickman, Silvestri, & Thomas, 2010a, 2010b; Pantazis & Pemberton, 2009), which in turn may result in a police bias as initially argued by Hillyard (1993) in the Irish context.

Furthermore, previous research has shown that unconscious racial stereotypes could contribute to biased decisions concerning members from certain stigmatised minority groups (Correll et al., 2007; Fazio, Jackson, Dunton, & Williams, 1995; Mears, Stewart, Warren, & Simons, 2017). These prejudicial stereotypes are argued to be automatically activated when exposed to individuals of stigmatised groups (Banaji & Greenwald, 1995; Devine, 1989; Fazio et al., 1995; Greenwald, 1992; Macrae & Bodenhausen, 2000), which might well potentially influence police officers' decisions (Hall, Hall, & Perry, 2016). The results of empirical research conducted in this thesis appear to support these findings. For example, in Chapter Five, a quarter of legal representatives reported that they witnessed instances when a white suspect was released without charge, whereas a charge was sought from the CPS against a Muslim suspect (in a reckoned comparable case). In criminal investigations, the initial stage of abductive reasoning involves thorough problem recognition, problem framing, and option generation (Fahsing & Ask, 2016). A prominent cause of poor investigative decision-making is the decision maker's failure to identify all possible alternatives before they start evaluating and integrating information to arrive at a choice (Tversky & Kahneman, 1981).

Research (e.g. Graham & Lowery, 2004) has found that police officers may not have negative feelings towards minority groups, but they may, nonetheless, base their initial decisions either; (i) on beliefs (regardless of their accuracy) concerning group criminality; or (ii) who is most likely to be involved in crime. In Chapter Six, it was found that the police officers' perceptions concerning the suspect's name may have resulted in such decision-making. Consequently, the officers failed to identify all possible choices, irrespective of the suspect's name and arrived at choices (whether to give a caution or seek a charge with intent to supply class A drugs) which were more lenient towards indigenous suspects than a Muslim suspect.

These findings are not only consistent with the Hillyard's (1993) study (i.e. suspect community stereotyping may contribute to criminal investigation failures) but also clearly suggest that perceived prejudicial stereotyping (based on suspect's group membership) indeed may influence officers' investigative decision-making. A number of legal representatives stated that they believed that such outcomes might be due to the negative portrayal of the Muslim community in the media (see pages 176-179). This is in line with Awan and Rahman's (2016) findings that the negative portrayal of British Muslims may have assisted in the creation of a framework for the 'othering' of communities and specifically may also impact people's perceptions of Muslims (because of the dominant type of headlines and stories they read). These findings could also be supported by recent research (e.g. Allen, 2012; Awan & Rahman, 2016; Baker, Gabrielatos, & McEnery, 2013; Poole, 2006) that consistently found overall stories post 'war on terror' concerning Islam and Muslims were exclusively about terrorism, and (further) stereotyping this community in a negative context. Such prejudicial stereotyping arguably had contributed to infringements of human rights with appalling consequences

in the Irish context (Hillyard, 1993), that arguably continues in regard to the Muslim context (Awan & Rahman, 2016). That is, the circumstances witnessed in the Irish context in the past (e.g. the miscarriages of justice pertaining to the ‘Birmingham Six’ and the ‘Guildford Four’) persists today in the Muslim context (e.g. ‘Forrest Gate’ and ‘Nottingham Two’). The results from the studies outlined in Chapters Four, Five and Six in the thesis support the research (e.g. Awan, 2012; Breen-Smyth, 2014; Cherney & Murphy, 2015; Hickman, et al., 2013; Hickman, Silvestri, & Thomas, 2010a, 2010b; Mythen, Walkate, & Khan, 2013; Patton, 2014; Pantazis & Pemberton, 2009) that consistently tend to suggest that there exists in the UK a police bias against Muslims, and thus, a Muslim ‘suspect’ community.

In order to minimise the influence of such prejudicial stereotyping within police investigative and interviewing processes, this thesis introduced MIIPSS (developed as a result of an innovative and groundbreaking research study outlined in Chapter Three). Self-evaluation of interviews conducted by police interviewers is a principal feature of the PEACE model of investigative interviewing in England and Wales, underpinning their practice development (Griffiths & Walsh, 2017). MIIPSS can be used as a tool during self-evaluations either by interviewers themselves to monitor their own attitudes or by police supervisors to assess interviewers’ attitudes towards suspects from certain groups. It was argued in Chapter Three that by identifying; (i) the sources that ‘feed’ interviewers’ negative perceptions of stigmatised groups and individuals suspected of specific offences; and (ii) by tracking how explanations that support such negative perceptions develop, interviewers could avoid presuming the suspects guilty prior to the interview. This, in turn, would avoid tunnel vision and confirmation bias that arguably compromises the investigative process. By using the MIIPSS, it is possible to identify the factors in a

sequence that leads interviewers to possess negative attitudes towards suspects. It was found in the thesis that the MIIPSS not only enables the researchers and police supervisors to measure the police interviewers' possible negative stereotypes towards suspects but, that the scale may also suggest why interviewers presume suspects to be guilty prior to their being interviewed. The MIIPSS also provides researchers with opportunities to more scientifically assess police officers' prejudicial stereotyping, when conducting research in either experimental or naturalistic settings.

Overall, the findings from this thesis support the 'suspect' community notion that 'suspect' community stereotyping may result in police officers' biased attitudes towards members of this community (Hillyard, 1993). Such biased attitudes of police officers towards members of stigmatised communities may produce self-fulfilling prophecies and hostile techniques during investigative and interviewing processes (as it was found in this thesis). Recognising that the studies included in this thesis concerned mainly the Muslim suspects it would be beneficial in future studies to compare and contrast the experiences of suspects from different communities to determine the implications of prejudicial stereotyping on police officers' attitudes in greater detail.

7.4 Limitations and Future Research

A number of limitations of the studies in this thesis are integral to the research paradigms utilised, and so were understood prior to conducting the research. One such limitation is the ecological validity of Chapter Six. Officers' views were gathered on a hypothetical case. Responding to a crime scenario is very different from being involved in the investigation of real-life crimes, and it is possible that in real-life situations officers' judgments might well be different. The results in Chapter Six in the thesis may have been

different if the study comparing real-life investigations concerning indigenous suspects and suspects from the ‘suspect’ community. This may, therefore, affect the ecological validity of the findings, but it was neither feasible nor in the scope of this thesis to examine real-life criminal investigations concerning the Muslim suspects and indigenous suspects – an issue that has confronted a multitude of researchers. Thus, large-scale research comparing real-life investigations concerning indigenous suspects and suspects from the ‘suspect’ community seems necessary to determine if the findings presented in this thesis apply to real-life investigations. Further, a similar type of research with the CPS caseworkers would be beneficial to determine whether suspect’s ethnicity could play any role when they determine whether or not to charge the suspect.

An additional limitation that was expected as a result of the methodological decisions was a lack of generalisability to suspects from all ethnic groups. This was particularly true for Chapter Four, Five, and Six. Only suspects from the Muslim background were included in the Chapter Four, and legal representatives’ views were gathered in Chapter Five concerning investigative and interviewing processes of the Muslim suspects. However, these are apparently the first studies to examine police officers’ attitudes towards suspects from the Muslim community and legal representatives’ perceptions, as no research seems to have been conducted to explore their views concerning police interviewing of suspects in England and Wales. Thus, the thesis’ findings add to the existing body of literature that have examined investigative and interviewing processes, concerning the ‘suspect’ community stereotyping and Islamophobia.

Other limitations were not initially considered when designing the research. A key issue is the sample size of Chapters Three, Four, and Five. Recruiting the Muslim suspects

and legal representatives was a challenging aspect of this research as these groups have been traditionally ones that are hard to reach for research purposes. Recruiting suspects from the Muslim community and legal representatives was more challenging than expected. The second study (outlined in Chapter Three) was originally designed to act as a foundation for the following studies. Following the data collection from over twenty suspects, the same sample size was desired from legal representatives. However, even though agreed involvement was obtained from a number of legal representatives, only eight of the legal representatives' views were gathered, resulting in this study being conducted with twenty suspect participants and eight legal representatives. However, for the follow up study (outlined in the Chapter Five is the first study to gather legal representatives' views within the context of investigative and interviewing processes concerning the Muslim suspects) further agreements from a number of legal representatives were obtained and in the three year period of data collection, fifteen legal representatives' views were successfully gathered. The researcher did not seek to interview further legal representative and ceased data collection when interview transcripts analyses indicated that thematic saturation had occurred, meaning that no new codes emerged from the last four interviews. Regardless of the small sample size, these studies have revealed novel findings (outlined in Chapter Three, Four, and Five) that increase our knowledge of investigative interviewing in general as well as, specifically possible factors that could influence investigative and interviewing processes.

With hindsight, some additions to the research would have been included. For example, following the development of the MIIPSS in Chapter Three, an experimental study could have been conducted to examine the use of possible prejudicial stereotyping towards certain suspects during investigative interviewing by using the MIIPSS. This

would have determined the accuracy and validity of the MIIPSS in the controlled experimental setting. An in-depth analysis and evaluation of beliefs and attitudes of the interviewers when involved in interviewing suspects of certain groups would have furthered our understanding and determined whether such negative attitudes at its most extreme can lead to coercive form of interviewing (as it stands, MIIPSS was developed by utilising real-life suspects and legal representatives' views, which may have been affected by their social desirability). In controlled experimental settings, an in-depth examination of the MIIPSS' five constructs would give us a more detailed understanding of the factors that may influence investigative interviewers' attitudes.

Additional worthwhile future research has been indicated at the end of each chapter of this thesis, but the key areas that need to be addressed are summarised here. As mentioned above, investigative interviewing practices of suspects from different ethnic groups need to be compared to determine whether racial/religious stereotypes influence investigative, and interviewing, practices, in real-life cases. Additionally, by conducting an experiment with a controlled group of interviewers utilising the MIIPSS, it could be determined why interviewers presume suspects are guilty prior to an interview. This would help to formulate a practical approach with clear guidelines and effective training on how police officers could avoid guilt presumption that would be beneficial to ensure a fair trial and non-coercive investigative interviewing. Comparative analysis studies that examine investigative, and interviewing, practices, of suspects (i) from various ethnic groups; (ii) being suspected of committing different types of crimes; and (iii) from more affluent and deprived areas, are also needed to examine whether prejudicial stereotyping influence police practices of suspects of these groups as they may influence suspects from the 'suspect' community. Finally, a large number of studies (see

Chapter One) argued that Prevent II Strategy (2011) is based on an impression of suspicion that might have led to Muslim community being seen as a ‘suspect’ community in the contemporary UK. Therefore, undertaking a Study Space Analysis (Malpass et al., 2008) on current Prevent policy would be beneficial to determine whether the current literature is sufficient to either support Prevent policy or for a change in such policy/practice to be fully empirically-supported.

7.5 Conclusions

To conclude, it was found in this thesis that ‘suspect’ community stereotyping may influence police officers’ attitudes towards suspects from the ‘suspect’ community, which in turn, could influence investigative and interviewing processes. Further, it was found that the ‘suspect’ community stereotyping produced guilt presumption, self-fulfilling prophecies, and confirmation bias. In turn, guilt presumption and confirmation bias could result in coercive interviewing and tunnel vision, which is argued as the underlying causes of miscarriages of justice (Fahsing, 2016; Findley & Scott, 2006).

The PEACE model of investigative interviewing is designed to reduce the risk of these fundamental human errors (i.e. guilt presumption, confirmation bias, and tunnel vision) by encouraging the interviewers to remain open-minded at all times. It is important to recognise that the way to operationalise the burden of proof is to systematically eliminate all other alternatives to guilt, this would in turn help to pass the legal threshold of beyond reasonable doubt. In accordance with the Convention on Civil and Political Rights (ICCPR) Article 14, it is pertinent to presume suspects as innocent until proven guilty. However, in contrary to the presumption of guilt, the presumption of innocence is a very challenging aspect concerning how any suspect could be presumed

innocent within the context of criminal investigations (Fahsing, 2016)? This may well become even more challenging when investigating a suspect from the ‘suspect’ community where the probability of confirmation bias and tunnel vision may well be greater (as was found in this thesis). The novel study outlined in Chapter Three of this thesis introduced MIIPSS as a new tool that could be used to avoid the presumption of guilt and minimise the influence of prejudicial stereotyping. The MIIPSS proposed that by identifying the sources that ‘feed’ interviewers’ negative perceptions of stigmatised groups and by tracking how explanations that support such negative perceptions develop, interviewers could avoid presuming the suspects as guilty prior to the interview.

Counter-terrorism policies and intervention projects (e.g., Prevent II) are arguably based on an impression of suspicion, which could lead to the Muslim community being seen (particularly by the law enforcement and security agencies) as a ‘suspect’, one becoming a visibly stigmatised community (which in turn, may well results in ‘Islamophobia’). This could have led to a perception by Muslim communities that they have been unfairly targeted and treated as a ‘suspect’ group due to the nature in which counter-terrorism policy has solely focussed on identifying members of the Muslim community as extremists. In the context of criminal investigations, such policies (which are based on an impression of suspicion) could result in biased policing towards members of the Muslim community. This, in turn, may lead to guilt presumption, self-fulfilling prophecies, and hostile investigative techniques (by the police) during criminal investigations towards members of the Muslim community (as was found in this thesis). From these overall findings, it appears that Prevent II (since it is based on an impression of suspicion) has the potential to stigmatise the Muslim community as ‘suspect’. Such a chain of events may well lead to further

discriminatory acts against members of the Muslim community (not only from the public at large, but also from the police).

Additionally, in order to ensure a fair trial and non-coercive investigative and interviewing processes, further training of police officers is necessary to make them more aware of the implications of such prejudicial (racial/religious) stereotyping to improve on interviewing performance, case outcomes, and community cohesion. However, training is a part of the further strategic framework which includes developing an understanding concerning where this prejudice comes from, and how it is sustained. Such prejudice seems deeply rooted and recognising the influence of ‘suspects’ community stereotyping on criminal investigation processes could be a starting point for a more transparent and effective policing of stigmatised communities. It is therefore argued that the training is a part of such efforts but not a complete solution. In order to tackle this endemic problem, it appears that further research and sincere efforts from senior police managers are required.

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Appendices

Appendix A: Study 1 Questionnaire

Questionnaire for police officers: stop and search

1. About Officer:

Gender: Age:
Length of service: Ethnicity:

2. Challenges:

2.1 What are, in your view, the types of crime and anti-social behaviour that can be tackled effectively through the application of stop and search powers?

2.2 How would you define 'reasonable suspicion' in terms of stop and search?

2.2 What are your aims for 'stop and search'?

2.3 What are the challenges you face to get to your aim when conducting searches?

3.1 Tell me, if any particular groups present particular challenges? What those challenges look like?

3.2 How do you prepare yourself to conduct stop and searches with different groups?

- 3.3 How difficult (regarding stop and search) do you think the police officer, in general, would find it difficult when conducting searches with different groups?
- 3.4 How important to consider (regarding stop and search) the suspects' ethnicity?
- 3.5 To what extent do you feel comfortable when you are conducting stop and searches with different ethnic groups?
- 3.6 How concerned are you, if at all, that certain groups of people are likely to be stopped and searched more often than others?
- 3.7 For what reason, if any, do you think certain groups of people are likely to be stopped and searched more often than others?

3. General

3.1 Under what circumstances are S&S most effective? _ Are searches effective to

A. Prevent crime **B.** Catch criminals **C.** Help the police control the streets **D.** Gather intelligence **E.** For which other reasons, if any, would you consider a stop and search helpful?

3.2 Usually, what are the usual grounds of search? (well-defined grounds for suspicion)? Is there any **Generalisation** to form suspicion?

3.3 What is a well-managed search encounter?

3.4 Initiated by the public or by the police? Which one is more useful?

3.5 What role do stops and searches have in policing?

3.6 How do they impact on public perceptions of the police?

3.7 How can negative impacts be minimised?

3.8 What is the makeup of the population available to stop and search?

3.9 How does a likely offender look like?

What would you make of a youth wearing dark cloth during the night in high crime area?

3.10 What types of vehicles are involved in drug-related or other crimes? New or old?

3.11 Similarly, I have found out that officers have conducted searches on the basis if they found someone behaving suspiciously or involved suspicious activity? How would you describe suspicious behaviour or suspicious activity?

3.12 What are you looking out for a while being observed patrolling a burglary hotspot?

3.13 How would you describe some generalisations around ethnicity emerge from different ethnic associations with specific offences?

3.14 Describe if you feel any fear of complaints from members of the public and, in particular, those from minority ethnic communities?

3.15 Unlike searches under s1 PACE, s60 searches do not have a requirement of reasonable suspicion. How would you decide to search an individual when you are authorised to do so under s60?

3.16 How would you describe a good (successful or unsuccessful) search? How would you describe a bad (successful or unsuccessful) search?

3.17 Are there any other views or comments that you would like to add about stop and search powers that were not covered during this interview?

Appendix B: Study 3 Questionnaire

Questions for Suspects

1. Describe your experience of being interviewed as a suspect of crime at the police station?
 - 1a. during the interview, were you given time to comment properly?
 - 1b. during the interview, did police interviewer appeared neutral towards you?
 - 1c. during the interview, was police interviewer co-operative with you?
 - 1d. during the interview, did police interviewer seem to be more interested in getting your part of the story or without listening to you, he tried to accuse you?
2. What was your approach towards interview?
 - 2a. what effect did this have on you?
3. Did you feel as if you were treated with respect throughout the interview?
 - 3a. Yes/No. Describe in more details? How were you treated?
4. How would you describe the behaviour of police interviewer towards you during the interview?
 - 4a. was he/she calm? Y/N..... Describe in more details? Why did you feel that?
 - 4b. was he/she aggressive? Y/N... Describe in more details?
 - 4c. was he/she friendly/patient? Y/N... Describe in more details?
 - 4d. was his/her approach supportive? Y/N.... more details?
 - 4e.do you think the interviewer accurately checked evidence? Y/NMore details?
 - 4f. How would you describe the questioning during the interview (evidence of coercion or suppression)?
5. At any stage of the interview did you feel that the interviewer have negative thoughts about you because of your racial background or your religion?
 - 5a. Yes/No. Describe in more details? Why did you feel that?
6. What was the attitude of the interviewer towards you throughout the interview? (overall attitude)

6a. would you give me more details? Why do you think he/she was positive/negative?

Appendix C: Study 4 Questionnaire

Legal representative

Gender: Age:

Number of suspects represented.....

Ethnicity of suspects represented.....

1. Please, describe your aims to represent a suspect during police interviewing of suspects?
2. What would you do to achieve the aims of your presence during interviews?
3. How do you think police interviewer deal with challenges they face when interviewing suspects from different ethnic groups?
4. To what extent do you think that police interviewers' feel comfortable when they are conducting interviews with suspects from different ethnic groups?
5. How would you describe the attitude of police interviewer towards the suspects from a Muslim background? As compared to their white counterparts?
 - 5a. during the interview, were they given time to comment properly?
 - 5b. during the interview, was police interviewers/interviewer appeared neutral towards them?
 - 5c. during the interview, was the police interviewers/interviewer co-operative with them?
 - 5d. during the interview, do police interviewers/interviewer seem to be more interested in getting their part of the story?
6. How would you describe the behaviour of police interviewers/interviewer toward the Muslim suspects during the interview?
 - 3a. Were they calm? Y/N..... Describe in more details? Why did you feel that?
 - 3b. Were they aggressive? Y/N... Describe in more details?
 - 3c. Were they friendly/patient? Y/N... Describe in more details?
 - 3d. Were their approach supportive? Y/N.... more details?

3f. How would you describe the questioning during the interview (evidence of coercion or suppression)?

7. At any stage of the interview did you feel that the interviewers/interviewer have negative stereotypes about them because of their cultural background?

7a. Yes/No. Describe in more details? Why did you feel that?

8. How would you describe the attitude of police interviewers toward suspects? What do you think, how it is different when interviewing the Muslim suspects?

8a. would you give me more details? Why do you think he/she was positive/negative?

9. How do you think, investigative interviewing of suspects can be improved?

10. What would you suggest to make investigative interviewing with suspects from ethnic minorities more transparent?

Appendix D: Study 5 Questionnaire

Questionnaire for Police Officers

- 3.1 What are your aims for the interview? What would you do to achieve the aim of your interview?
- 3.2 What are the challenges you face to get to your aim?
- 3.3 Tell me, if any particular groups present particular challenges? What those challenges look like?
- 3.4 How do you prepare yourself to conduct interviews with different groups?
- 3.5 How would you shape the contents of the interview for particular groups?
- 3.6 How technically difficult (regarding planning and preparation & questioning strategy) do you think the police officer, in general, would find it difficult when conducting interviews with different groups?
- 3.7 How important to consider (regarding planning & preparation, engage and explain) the suspect's ethnicity regarding gaining the required outcomes?
4. You have been required to interview, an adult male named person, who is suspected of supplying class A drugs. You have one statement from a reliable witness and a small amount of class A drugs were recovered. There is no other previous criminal intelligence available relative to the suspect. You have sufficient grounds under the Police and Criminal Evidence Act (1984) to interview the suspect.

(Where the named person in scenario A is Richard Fisher, and in Scenario B is Muhammad Ali)

- 4.1 How technically difficult (regarding planning and preparation & engage and explain) do you think it will be to interview this suspect?
- 4.2 What would be your strategy to elicit maximum information from this suspect?
- 4.3 Would you expect this suspect to behave in any particular way?
- 4.4 How stressful for you to interview this suspect?
- 4.5 How stressful do you think police officers, in general, would find interviewing this suspect?

- 4.6 To what extent, do you think you would get emotionally involved during the interview?
- 4.7 How flexible would you be towards this suspect?
- 4.8 What would be the possible points to prove?
- 4.9 What is your opinion about the strength of the evidence presented in the scenario?
- 4.10 What would be their suggested outcome of the investigation?
- 4.11 How flexible, police officers, in general, would be when interviewing this suspect?
- 4.12 Would you face any particular challenges when interviewing this suspect?
What those challenges look like?